

Calendar No. 251

109TH CONGRESS
1ST SESSION**S. 1086**

To improve the national program to register and monitor individuals who
commit crimes against children or sex offenses.

IN THE SENATE OF THE UNITED STATES

MAY 19, 2005

Mr. HATCH (for himself, Mr. BIDEN, Mr. MARTINEZ, Mr. ENSIGN, Mr. STEVENS, Mrs. CLINTON, Mr. THUNE, Mr. JOHNSON, Mr. CRAPO, Mr. SCHUMER, Mr. DEWINE, Mr. NELSON of Nebraska, Mr. ISAKSON, Mr. MCCAIN, Mr. GREGG, Ms. CANTWELL, Mr. KYL, Mr. GRASSLEY, and Mr. SUNUNU) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

OCTOBER 20, 2005

Reported by Mr. SPECTER, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To improve the national program to register and monitor
individuals who commit crimes against children or sex
offenses.

1 *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) ~~SHORT TITLE.~~—This Act may be cited as—

1 (1) the “Jacob Wetterling, Megan Nicole
2 Kanka, and Pam Lychner Sex Offender Registration
3 and Notification Act”; or

4 (2) the “Sex Offender Registration and Notifi-
5 cation Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—JACOB WETTERLING, MEGAN NICOLE KANKA, & PAM
LYCHNER SEX OFFENDER REGISTRATION AND NOTIFICATION
PROGRAM

Sec. 101. Jacob Wetterling, Megan Nicole Kanka, & Pam Lychner Sex Of-
fender Registration and Notification Program.

Sec. 102. Definitions.

Sec. 103. Duty of covered individuals to provide information.

Sec. 104. Duty of covered individuals on parole or supervised release to comply
with device requirements.

Sec. 105. Duties of Attorney General and State or tribal actors.

Sec. 106. State and tribal sex offender registries.

Sec. 107. National Sex Offender Registry.

Sec. 108. Development and availability of registry management software.

Sec. 109. DNA database for covered individuals.

Sec. 110. Duty of courts to determine whether an individual is a sexually vio-
lent predator.

Sec. 111. Duty of Attorney General to determine whether State or tribal actors
are qualified.

Sec. 112. Use of other Federal information to track sex offenders.

Sec. 113. Implementation by State and tribal actors and assistance grants to
those actors.

Sec. 114. Immunity for good faith conduct.

Sec. 115. Regulations.

Sec. 116. Authorization of appropriations.

TITLE II—AMENDATORY PROVISIONS, TRANSITION PROVISIONS,
AND EFFECTIVE DATE

Sec. 201. Failure to provide information a deportable offense.

Sec. 202. Repeal.

Sec. 203. Conforming amendments to title 18, United States Code.

Sec. 204. Effective date.

1 **TITLE I—JACOB WETTERLING,**
 2 **MEGAN NICOLE KANKA, &**
 3 **PAM LYCHNER SEX OF-**
 4 **FENDER REGISTRATION AND**
 5 **NOTIFICATION PROGRAM**

6 **SEC. 101. JACOB WETTERLING, MEGAN NICOLE KANKA, &**
 7 **PAM LYCHNER SEX OFFENDER REGISTRA-**
 8 **TION AND NOTIFICATION PROGRAM.**

9 (a) IN GENERAL.—The Attorney General shall carry
 10 out this title through a program to be known as the Jacob
 11 Wetterling, Megan Nicole Kanka, & Pam Lychner Sex Of-
 12 fender Registration and Notification Program.

13 (b) REFERENCES TO FORMER PROGRAM OR FORMER
 14 LAW.—Any reference (other than a reference in this Act)
 15 in a law, regulation, document, paper, or other record of
 16 the United States to the program carried out under sub-
 17 title A of title XVII of the Violent Crime Control and Law
 18 Enforcement Act of 1994 (42 U.S.C. 14071 et seq.), or
 19 to any provision of that subtitle, shall be deemed to be
 20 a reference to the program referred to in subsection (a),
 21 or to the appropriate provision of this title, as the case
 22 may be.

23 **SEC. 102. DEFINITIONS.**

24 In this Act:

(1) COVERED INDIVIDUAL.—The term “covered individual” means any of the following:

(A) An individual who has been convicted of a covered offense against a minor.

(B) An individual who has been convicted of a sexually violent offense.

(C) An individual described in section 4042(e)(4) of title 18, United States Code.

(D) An individual sentenced by a court martial for conduct in a category specified by the Secretary of Defense under section 115(a)(8)(C) of title I of Public Law 105–119 (10 U.S.C. 951 note).

(E) An individual who is a sexually violent predator.

(2) COVERED OFFENSE AGAINST A MINOR.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the term “covered offense against a minor” means an offense (whether under the law of a State actor or tribal actor, Federal law, military law, or the law of a foreign country) that is comparable to or more severe than any of the following offenses:

(i) Kidnapping of a minor, except by a parent of the minor.

1 (ii) False imprisonment of a minor;
2 except by a parent of the minor.

3 (iii) Criminal sexual conduct toward a
4 minor.

5 (iv) Solicitation of a minor to engage
6 in sexual conduct.

7 (v) Use of a minor in a sexual per-
8 formance.

9 (vi) Solicitation of a minor to practice
10 prostitution.

11 (vii) Any conduct that by its nature is
12 a sexual offense against a minor.

13 (viii) Possession, production, or dis-
14 tribution of child pornography, as de-
15 scribed in section 2251, 2252, or 2252A of
16 title 18, United States Code.

17 (ix) Use of the Internet to facilitate or
18 commit a covered offense against a minor.

19 (x) An attempt to commit a covered
20 offense against a minor.

21 (B) EXCEPTION.—The term does not in-
22 clude an offense if the conduct on which the of-
23 fense is based is criminal only because of the
24 age of the victim and the individual who com-

1 mitted the offense had not attained the age of
2 18 years when the offense was committed.

3 ~~(C) INCLUSION.~~—The term includes a vio-
4 lation of section 103 of this Act.

5 ~~(3) DOMICILE.~~—The term “domicile” means,
6 with respect to an individual, any place that serves
7 as the primary place at which the individual lives.

8 ~~(4) DOMICILE STATE.~~—The term “domicile
9 State” means, with respect to an individual, the
10 State actor or tribal actor within the jurisdiction of
11 which is the individual’s domicile.

12 ~~(5) EDUCATIONAL INSTITUTION.~~—The term
13 “educational institution” includes (whether public or
14 private) any secondary school, trade or professional
15 institution, and institution of higher education.

16 ~~(6) EMPLOYMENT.~~—The term “employment”
17 includes carrying on a vocation and covers any labor
18 or service rendered (whether as a volunteer or for
19 compensation or for government or educational ben-
20 efit) on a full-time or part-time basis.

21 ~~(7) JURISDICTION.~~—The term “jurisdiction”,
22 with respect to a tribal actor, means the Indian
23 country (as defined in section 1151 of title 18,
24 United States Code) of that tribal actor.

1 ~~(8) SCHOOL STATE.~~—The term “school State”
 2 means, with respect to an individual, the State actor
 3 or tribal actor within the jurisdiction of which the
 4 educational institution at which the individual is a
 5 student is located.

6 ~~(9) SEXUALLY VIOLENT OFFENSE.~~—The term
 7 “sexually violent offense” means an offense (whether
 8 under the law of a State actor or tribal actor, Fed-
 9 eral law, military law, or the law of a foreign coun-
 10 try) that is comparable to or more severe than any
 11 of the following offenses:

12 ~~(A) Aggravated sexual abuse or sexual~~
 13 ~~abuse (as described in sections 2241 and 2242~~
 14 ~~of title 18, United States Code).~~

15 ~~(B) An offense an element of which is en-~~
 16 ~~gaging in physical contact with another person~~
 17 ~~with intent to commit aggravated sexual abuse~~
 18 ~~or sexual abuse.~~

19 ~~(10) SEXUALLY VIOLENT PREDATOR.~~—The
 20 term “sexually violent predator” means an individual
 21 who—

22 ~~(A) has a conviction for a sexually violent~~
 23 ~~offense; or~~

24 ~~(B) suffers from a mental abnormality (as~~
 25 ~~defined in section 110 of this Act) or person-~~

1 ality disorder that makes the person likely to
 2 engage in a predatory (as defined in section
 3 110 of this Act) sexually violent offense.

4 ~~(11) STATE ACTOR.—~~The term “State actor”
 5 means any of the following:

6 ~~(A) A State.~~

7 ~~(B) The District of Columbia, the Com-~~
 8 monwealth of Puerto Rico, Guam, American
 9 Samoa, the United States Virgin Islands, or
 10 any other territory or possession of the United
 11 States.

12 ~~(12) STUDENT.—~~The term “student” means an
 13 individual who, whether on a full-time or part-time
 14 basis, enrolls in or attends an educational institu-
 15 tion.

16 ~~(13) TRIBAL ACTOR.—~~The term “tribal actor”
 17 means a federally recognized Indian tribe.

18 ~~(14) WORK STATE.—~~The term “work State”
 19 means, with respect to an individual, the State actor
 20 or tribal actor within the jurisdiction of which the
 21 individual’s place of employment is located.

22 **SEC. 103. DUTY OF COVERED INDIVIDUALS TO PROVIDE IN-**
 23 **FORMATION.**

24 ~~(a) INFORMATION REQUIRED PERIODICALLY.—~~A
 25 covered individual shall, for the life of that individual (ex-

cept as provided in this section), provide information as follows:

(1) ~~REGISTRATION INFORMATION.~~—Immediately after being sentenced for an offense that qualifies the individual as a covered individual (or, if the individual is imprisoned for that offense, immediately before completing the term of imprisonment), and thereafter at least once every 6 months (or, in the case of a sexually violent predator, at least once every 3 months), the individual shall appear before a person designated by the individual's domicile State and provide—

(A) the individual's name;

(B) the individual's Social Security number;

(C) the address of the individual's domicile;

(D) the license plate number of, and other identifying information with respect to, each vehicle owned or operated by the individual;

(E) any address at which the individual expects to have a domicile in the future;

(F) the name and address of any person who employs the individual and the address at which the individual is so employed; and

1 (G) the name and address of any edu-
2 cational institution at which the individual is
3 employed or is a student.

4 (2) PHOTOGRAPH.—Immediately after being
5 sentenced for an offense that qualifies the individual
6 as a covered individual (or, if the individual is im-
7 prisoned for that offense, immediately before com-
8 pleting the term of imprisonment), and thereafter at
9 least once every 12 months, the individual shall ap-
10 pear before a person designated by the individual's
11 domicile State and submit to the taking of a photo-
12 graph.

13 (3) FINGERPRINTS.—Immediately after being
14 sentenced for an offense that qualifies the individual
15 as a covered individual (or, if the individual is im-
16 prisoned for that offense, immediately before com-
17 pleting the term of imprisonment), and thereafter at
18 least once every 12 months, the individual shall ap-
19 pear before a person designated by the individual's
20 domicile State and submit to the taking of finger-
21 prints.

22 (4) OTHER REGULATORY REQUIREMENTS.—
23 The Attorney General may, by regulation, require
24 the individual to provide any information that the
25 Attorney General considers appropriate on any basis;

1 and at any time and in any manner, that the Attor-
2 ney General considers appropriate.

3 ~~(5) INDIVIDUAL IN CUSTODY IN STATE OTHER~~
4 ~~THAN DOMICILE STATE.—~~Whenever an individual is
5 required by any paragraph of this subsection to pro-
6 vide information immediately after being sentenced
7 (or immediately before completing a term of impris-
8 onment) and the State actor or tribal actor that has
9 sentenced (or imprisoned) the individual is not the
10 individual's domicile State—

11 (A) the individual shall provide that infor-
12 mation (in the same time, place, and manner as
13 prescribed by that paragraph) to an appropriate
14 official of the State actor or tribal actor that
15 has sentenced (or imprisoned) the individual;
16 and

17 (B) the State actor or tribal actor that has
18 sentenced (or imprisoned) the individual shall
19 promptly make available that information to the
20 individual's domicile State.

21 ~~(b) INFORMATION REQUIRED UPON CHANGE OF~~
22 ~~REGISTRY INFORMATION.—~~A covered individual shall, for
23 the life of that individual (except as provided in this sec-
24 tion); provide information as follows:

1 ~~(1) CHANGE OF ADDRESS.—~~Not more than 3
 2 days after establishing a new domicile, the individual
 3 shall—

4 ~~(A)~~ appear before a person designated by
 5 the individual's domicile State and provide the
 6 address of the new domicile; and the address of
 7 the previous domicile; and

8 ~~(B)~~ if the new domicile and the previous
 9 domicile are not both within the jurisdiction of
 10 a single State actor or tribal actor qualified
 11 under this Act, appear before a person des-
 12 ignated by the individual's new domicile State
 13 and—

14 ~~(i)~~ provide the address of the new
 15 domicile and the address of the previous
 16 domicile; and

17 ~~(ii)~~ submit to the taking of a photo-
 18 graph and the taking of fingerprints.

19 ~~(2) CHANGE OF EMPLOYMENT.—~~Not more than
 20 3 days after beginning, or ceasing, to be employed
 21 by an employer, the individual shall appear before,
 22 and provide notice of the beginning or ceasing, and
 23 the name and address of the employer, to—

24 ~~(A)~~ a person designated by the individual's
 25 domicile State; and

1 ~~(B)~~ if the individual's work State is dif-
 2 ferent from the domicile State, a person des-
 3 ignated by the individual's work State.

4 ~~(3)~~ CHANGE OF STUDENT STATUS.—Not more
 5 than 3 days after beginning, or ceasing, to be a stu-
 6 dent at an educational institution, the individual
 7 shall appear before, and provide notice of the begin-
 8 ning or ceasing, and the name and address of the
 9 educational institution, to—

10 ~~(A)~~ a person designated by the individual's
 11 domicile State; and

12 ~~(B)~~ if the individual's school State is dif-
 13 ferent from the domicile State, a person des-
 14 ignated by the individual's school State.

15 ~~(c)~~ DUTY TO PROVIDE INFORMATION TO ATTORNEY
 16 GENERAL.—

17 ~~(1)~~ IF STATE ACTOR OR TRIBAL ACTOR NOT
 18 QUALIFIED.—Whenever an individual is required by
 19 subsection (a) or (b) to provide information to a
 20 State actor or tribal actor, and the actor is not
 21 qualified for purposes of this Act, the individual
 22 shall also provide that information (in the same
 23 time, place, and manner as prescribed in subsection
 24 (a) or (b), as the case may be) to the Attorney Gen-
 25 eral, and a failure to do so shall be treated for pur-

poses of this Act as a violation of subsection (a) or (b); as the case may be.

~~(2) IF PROVIDING INFORMATION TO MORE THAN ONE STATE.—~~Whenever an individual is required by subsection (a) or (b) to provide information to more than one State actor or tribal actor, the individual shall also provide that information (in the same time, place, and manner as prescribed in subsection (a) or (b); as the case may be) to the Attorney General; and a failure to do so shall be treated for purposes of this Act as a violation of subsection (a) or (b); as the case may be.

~~(d) PUNISHMENT.—~~

~~(1) IN GENERAL.—~~A covered individual who violates subsection (a) or (b) shall—

~~(A) on the first conviction, be fined under title 18, United States Code, and imprisoned not more than 5 years (or, in the case of a sexually violent predator, not more than 10 years); and shall thereafter be subject to supervised release for not less than 36 months; and~~

~~(B) on any conviction after the first, be fined under title 18, United States Code, and imprisoned not more than 20 years (or, in the case of a sexually violent predator, for life); and~~

1 shall thereafter be subject to supervised release
2 for life.

3 ~~(2) STRICT CULPABILITY.~~—In a prosecution for
4 a violation of subsection (a) or (b), the state of mind
5 of the individual committing the violation is not an
6 element of the offense and it need not be proven
7 that the individual had any particular state of mind
8 with respect to any element of the offense.

9 ~~(3) AFFIRMATIVE DEFENSE.~~—In a prosecution
10 for a violation of subsection (a) or (b), it is an af-
11 firmative defense that uncontrollable circumstances
12 prevented the individual from complying, and that
13 the individual did not contribute to the creation of
14 such circumstances in reckless disregard of the re-
15 quirement to comply, and that the individual com-
16 plied as soon as such circumstances ceased to exist.

17 ~~(4) VIOLATIONS ARE CONTINUING.~~—A violation
18 of subsection (a) or (b) is a continuing violation for
19 purposes of the statute of limitations.

20 ~~(e) EXCEPTION FOR CERTAIN INDIVIDUALS.~~—Sub-
21 sections (a) and (b) apply to any covered individual, unless
22 each of the following is true with respect to the covered
23 individual:

24 ~~(1)~~ The individual is not a sexually violent
25 predator.

1 (2) The individual has only one conviction for
 2 an offense that qualifies the individual as a covered
 3 individual.

4 (3) A period of at least 20 years, excluding en-
 5 suing periods of imprisonment, has expired since the
 6 date on which the individual was sentenced for, or
 7 completed the term of imprisonment for, the convic-
 8 tion described in paragraph (2).

9 (4) the conviction referred to in paragraph (2)
 10 was not for aggravated sexual abuse (as defined in
 11 section 2241 of title 18, United States Code) or a
 12 comparable, or more severe, offense.

13 **SEC. 104. DUTY OF COVERED INDIVIDUALS ON PAROLE OR**
 14 **SUPERVISED RELEASE TO COMPLY WITH DE-**
 15 **VICE REQUIREMENTS.**

16 (a) IN GENERAL.—A covered individual shall comply
 17 with any requirements that the Attorney General pre-
 18 scribes under subsection (b)—

19 (1) for the period of supervised release or pa-
 20 role, if the individual has only one conviction for an
 21 offense that qualifies the individual as a covered in-
 22 dividual; and

23 (2) for the life of the individual, in all other
 24 cases.

25 (b) REGULATIONS REQUIRED.—

1 (1) IN GENERAL.—The Attorney General, in
 2 consultation with State actors and tribal actors,
 3 shall prescribe regulations to ensure that every cov-
 4 ered individual referred to in subsection (a) wears
 5 and maintains a device that transmits information
 6 about the individual's whereabouts to the domicile
 7 State.

8 (2) PENALTIES FOR FAILURE TO COMPLY.—
 9 The regulations shall include penalties for the failure
 10 of the covered individual to wear or maintain the de-
 11 vice.

12 (3) DEVICES AND PROCEDURES.—The regula-
 13 tions shall describe the devices to be used and, for
 14 each such device, the procedures to be followed by
 15 the individual and the domicile State. The type of
 16 device to be used may vary from domicile State to
 17 domicile State, from offense to offense, or both.

18 **SEC. 105. DUTIES OF ATTORNEY GENERAL AND STATE OR**
 19 **TRIBAL ACTORS.**

20 (a) WHEN AN INDIVIDUAL PROVIDES INFORMA-
 21 TION.—Whenever an individual is required by this Act to
 22 provide information (including information such as photo-
 23 graphs and fingerprints) to the Attorney General, to a
 24 State actor or tribal actor, or to both, the Attorney Gen-
 25 eral (or the actor, or both, as the case may be) shall—

1 (1) ensure that the individual complies with the
2 requirement;

3 (2) ensure that the information provided is ac-
4 curate and complete;

5 (3) ensure that the information provided is in-
6 cluded in the National Sex Offender Registry; and

7 (4) ensure that the information is promptly—

8 (A) made available to any law enforcement
9 agency responsible for the area in which the in-
10 dividual's domicile is located and to the State
11 law enforcement agency of the domicile State;

12 (B) entered into the appropriate records or
13 data system of the actor; and

14 (C) made available by the actor, together
15 with information relating to criminal history, to
16 the Attorney General.

17 (b) WHEN A COVERED INDIVIDUAL IS MISSING.—

18 (1) STATE OR TRIBAL ACTOR.—Whenever infor-
19 mation is made known to a State actor or tribal
20 actor that an individual has violated section
21 103(a)(1) or section 103(b), the actor shall promptly
22 notify the Attorney General of that information.

23 (2) ATTORNEY GENERAL.—Whenever informa-
24 tion is made known to the Attorney General that an
25 individual has violated section 103(a)(1) or section

1 ~~103(b)~~, or is notified of information under para-
 2 graph (1), the Attorney General shall—

3 (A) revise the National Sex Offender Reg-
 4 istry to reflect that information; and

5 (B) add the name of the individual to the
 6 wanted person file of the National Crime Infor-
 7 mation Center and create a wanted persons
 8 record: *Provided*, That an arrest warrant which
 9 meets the requirements for entry into the file is
 10 issued in connection with the violation.

11 ~~(c) WHEN A COVERED INDIVIDUAL CHANGES AD-~~
 12 ~~DRESS.—~~

13 ~~(1) IN GENERAL.—~~The Attorney General and
 14 each State actor or tribal actor shall ensure that,
 15 whenever information is made known to the Attor-
 16 ney General or to that actor (as the case may be)
 17 that a covered individual has established a new
 18 domicile, and the individual's new domicile State and
 19 previous domicile State are not the same, the infor-
 20 mation about the new domicile and all other infor-
 21 mation collected under this Act about the individual
 22 is promptly made available to—

23 (A) the local law enforcement agencies re-
 24 sponsible for the area in which the previous

1 domicile is located; and to those responsible for
 2 the area in which the new domicile is located;
 3 (B) the previous domicile State; and
 4 (C) the new domicile State.

5 (2) ELECTRONIC FORWARDING.—In addition to
 6 the requirements of paragraph (1), the Attorney
 7 General shall ensure (through the National Sex Of-
 8 fender Registry or otherwise) that, whenever infor-
 9 mation is made known to the Attorney General that
 10 a covered individual has established a new domicile;
 11 and the individual's new domicile State and previous
 12 domicile State are not the same; the information
 13 about the new domicile and all other information col-
 14 lected under this Act about the individual is auto-
 15 matically and immediately, by means of electronic
 16 forwarding, transmitted to the new domicile State, if
 17 the new domicile State is qualified for purposes of
 18 this Act.

19 (d) WHEN A COVERED INDIVIDUAL IS SENTENCED
 20 OR COMPLETES A TERM OF IMPRISONMENT.—The Attor-
 21 ney General and each State actor or tribal actor shall en-
 22 sure that, immediately after a covered individual is sen-
 23 tenced for an offense that qualifies the individual as a cov-
 24 ered individual (or, if the individual is imprisoned for that

1 offense, immediately before completing the term of impris-
 2 onment); a responsible official—

3 (1) notifies the Attorney General that the indi-
 4 vidual has completed the term of imprisonment; and
 5 (2) notifies the individual of the individual's du-
 6 ties under this Act.

7 **SEC. 106. STATE AND TRIBAL SEX OFFENDER REGISTRIES.**

8 (a) STATEWIDE REGISTRY REQUIRED.—Each State
 9 actor or tribal actor shall maintain, throughout its juris-
 10 diction, a single comprehensive registry of information col-
 11 lected under this Act.

12 (b) RELEASE OF INFORMATION IN REGISTRY.—Each
 13 State actor or tribal actor shall have in effect, throughout
 14 its jurisdiction, a single public information program that
 15 includes the following elements:

16 (1) INTERNET SITE.—

17 (A) IN GENERAL.—The actor shall release
 18 to the public, through an Internet site main-
 19 tained by the actor, all information, except for
 20 Social Security numbers and information relat-
 21 ing to a covered individual for an offense com-
 22 mitted when the covered individual had not at-
 23 tained the age of 18 years, collected under this
 24 Act. The site shall have multiple field search ca-
 25 pability and shall include, for each covered indi-

vidual, the name, aliases, home address, work address, photograph, conviction for which registration is required, and risk level. The site shall include, as much as practicable, links to sex offender safety and education resources.

(B) INTEGRATION OF STATE SITES.—The actor shall consult with other State actors and tribal actors to ensure, as much as practicable, that the site integrates with and shares information with the sites maintained by those other actors.

(C) CORRECTION OF ERRORS.—The site shall contain instructions on the process for correcting information that a person alleges to be erroneous.

(D) RISK LEVEL.—For purposes of this paragraph, the risk level for an individual shall be determined under procedures established by the actor, under which the individual is provided notice and an opportunity to present evidence, including witnesses, to the trier of fact, and upon proof of indigent status is provided counsel at the expense of the actor. The actor shall establish not fewer than two risk levels.

1 (2) COMMUNITY NOTIFICATION.—Appropriate
 2 law enforcement agencies shall release information
 3 collected under this Act relating to a covered indi-
 4 vidual to—

5 (A) public and private schools, child care
 6 providers, and businesses that provide services
 7 or products to children, located within a radius,
 8 prescribed by the Attorney General, of the home
 9 or work address of the individual; and

10 (B) residents who reside within a radius,
 11 prescribed by the Attorney General, of the home
 12 or work address of the individual.

13 (c) PUBLICATION OF NUMBER OF OFFENDERS REG-
 14 ISTERED.—Every three months, the Attorney General
 15 shall collect from each State actor and tribal actor infor-
 16 mation on the total number of covered individuals included
 17 in the registry maintained by that State actor or tribal
 18 actor. The Attorney General shall release that information
 19 to the public in a manner consistent with this Act.

20 (d) REPORT.—Not later than 1 year after the date
 21 of the enactment of this Act, the Attorney General shall
 22 submit to Congress a report on the feasibility of requiring
 23 State actors and tribal actors to actively notify individuals
 24 within a community should a covered individual move into
 25 that community.

1 **SEC. 107. NATIONAL SEX OFFENDER REGISTRY.**

2 (a) **IN GENERAL.**—The Attorney General shall main-
3 tain a database to track the whereabouts and movements
4 of covered individuals. The database shall be known as the
5 National Sex Offender Registry.

6 (b) **DISCRETIONARY RELEASE OF INFORMATION.**—

7 (1) **IN GENERAL.**—Subject to paragraph (2),
8 the Attorney General may release information in the
9 National Sex Offender Registry concerning a covered
10 individual if the Attorney General determines that
11 the information released is relevant and necessary to
12 protect the public.

13 (2) **IDENTITY OF VICTIM.**—The Attorney Gen-
14 eral shall not, under paragraph (1), release the iden-
15 tity of the victim of an offense by reason of which
16 an individual is a covered individual.

17 (c) **REQUIRED DISCLOSURES TO CRIMINAL JUSTICE**
18 **AGENCIES.**—The Attorney General shall disclose informa-
19 tion in the National Sex Offender Registry—

20 (1) to Federal, State, and local criminal justice
21 agencies—

22 (A) for law enforcement purposes; and

23 (B) for releases of information under sub-
24 section (b); and

25 (2) to Federal, State, and local governmental
26 agencies responsible for conducting employment-re-

1 lated background checks under section 3 of the Na-
 2 tional Child Protection Act of 1993 (42 U.S.C.
 3 5119a).

4 **SEC. 108. DEVELOPMENT AND AVAILABILITY OF REGISTRY**
 5 **MANAGEMENT SOFTWARE.**

6 (a) **DEVELOPMENT OF SOFTWARE REQUIRED.**—The
 7 Attorney General, in consultation with State actors and
 8 tribal actors, shall develop a software application that can
 9 be used by State actors and tribal actors for purposes of
 10 this Act. The software shall operate in such a manner that
 11 a State actor or tribal actor can, by using the software,
 12 fully comply with all the requirements under this Act for
 13 collecting, managing, and exchanging information (includ-
 14 ing exchanging information with other State actors and
 15 tribal actors).

16 (b) **AVAILABILITY TO STATE AND TRIBAL ACTORS.**—

17 (1) **IN GENERAL.**—The Attorney General shall
 18 make the software developed under this section
 19 available to State actors and tribal actors. The first
 20 complete edition of the software shall be made avail-
 21 able within 2 years after the date of the enactment
 22 of this Act.

23 (2) **FEE.**—The Attorney General shall make the
 24 software available under paragraph (1) for a fee not
 25 more than one percent of the Attorney General's

1 cost to develop, implement, and support the soft-
 2 ware.

3 (c) SUPPORT.—The Attorney General shall ensure
 4 that a State actor or tribal actor purchasing the software
 5 is provided technical support for the installation of the
 6 software and for maintaining the software.

7 **SEC. 109. DNA DATABASE FOR COVERED INDIVIDUALS.**

8 (a) DATABASE REQUIRED.—The Attorney General
 9 shall establish and maintain a database for the purposes
 10 of—

11 (1) managing DNA information with respect to
 12 covered individuals; and

13 (2) making that information available to Fed-
 14 eral, State, and local law enforcement agencies for
 15 use by those agencies in a manner consistent with
 16 this Act.

17 (b) REGULATIONS.—Under regulations issued by the
 18 Attorney General—

19 (1) Federal, State, and local agencies and other
 20 entities may submit DNA information to the Attor-
 21 ney General for inclusion in the database;

22 (2) Federal, State, and local law enforcement
 23 agencies may compare DNA information against
 24 other DNA information in the database; and

1 (3) Federal, State, and local prosecutors may
2 use DNA information in prosecutions.

3 **SEC. 110. DUTY OF COURTS TO DETERMINE WHETHER AN**
4 **INDIVIDUAL IS A SEXUALLY VIOLENT PRED-**
5 **ATOR.**

6 (a) **IN GENERAL.**—A determination of whether an in-
7 dividual is a sexually violent predator for purposes of this
8 Act shall be made by a court after considering the rec-
9 ommendation of a board composed of experts in the behav-
10 ior and treatment of sex offenders, victims' rights advo-
11 cates, and representatives of law enforcement agencies.

12 (b) **WAIVER.**—The Attorney General may waive the
13 requirements of subsection (a) with respect to a State
14 actor or tribal actor if the Attorney General determines
15 that the State actor or tribal actor has established alter-
16 native procedures or legal standards for designating a per-
17 son as a sexually violent predator.

18 (c) **DEFINITIONS.**—In this section:

19 (1) **MENTAL ABNORMALITY.**—The term “men-
20 tal abnormality” means a congenital or acquired
21 condition of an individual that affects the emotional
22 or volitional capacity of the individual in a manner
23 that predisposes that individual to the commission of
24 criminal sexual acts to a degree that makes the per-

1 son a menace to the health and safety of other per-
 2 sons.

3 (2) **PREDATORY.**—The term “predatory” means
 4 an act directed at an individual (whether or not a
 5 relationship with that individual has been established
 6 or promoted) for the primary purpose of victimiza-
 7 tion.

8 **SEC. 111. DUTY OF ATTORNEY GENERAL TO DETERMINE**
 9 **WHETHER STATE OR TRIBAL ACTORS ARE**
 10 **QUALIFIED.**

11 (a) **IN GENERAL.**—A determination of whether a
 12 State actor or tribal actor is qualified for purposes of this
 13 Act shall be made by the Attorney General in accordance
 14 with this section.

15 (b) **REQUIREMENTS.**—The Attorney General may de-
 16 termine that a State actor or tribal actor is qualified if,
 17 as determined by the Attorney General, each of the fol-
 18 lowing apply:

19 (1) The actor has in effect, throughout its juris-
 20 diction, laws that implement the requirements of
 21 section 103, or substantially similar requirements,
 22 with respect to each covered individual whose domi-
 23 cile is within that jurisdiction.

1 (2) The actor participates in the National Sex
2 Offender Registry in the manner that the Attorney
3 General considers appropriate.

4 (3) The actor ensures that an audit of the ac-
5 tivities carried out under this Act is carried out at
6 least once each year and that the findings of each
7 audit are promptly reported to the Attorney General.

8 (c) REPORTS TO CONGRESS.—Each year, the Attor-
9 ney General shall submit to Congress a report identifying
10 the extent to which each State actor or tribal actor is
11 qualified for purposes of this Act.

12 **SEC. 112. USE OF OTHER FEDERAL INFORMATION TO**
13 **TRACK SEX OFFENDERS.**

14 (a) TAXPAYER INFORMATION.—The Secretary of the
15 Treasury, in coordination with the Attorney General, shall
16 develop and maintain a system under which taxpayer in-
17 formation that pertains to a covered individual and is use-
18 ful in locating the individual, or in verifying information
19 with respect to the individual, is made available to Fed-
20 eral, State, and local law enforcement agencies for use by
21 those agencies in a manner consistent with this Act.

22 (b) SOCIAL SECURITY INFORMATION.—The Sec-
23 retary of Health and Human Services, in coordination
24 with the Attorney General, shall develop and maintain a
25 system under which Social Security information that per-

1 tains to a covered individual and is useful in locating the
 2 individual, or in verifying information with respect to the
 3 individual, is made available to Federal, State, and local
 4 law enforcement agencies for use by those agencies in a
 5 manner consistent with this Act.

6 **SEC. 113. IMPLEMENTATION BY STATE AND TRIBAL AC-**
 7 **TORS AND ASSISTANCE GRANTS TO THOSE**
 8 **ACTORS.**

9 (a) **IMPLEMENTATION BY STATE AND TRIBAL AC-**
 10 **TORS.—**

11 (1) **IN GENERAL.—**Each State actor or tribal
 12 actor shall have not more than 3 years from the date
 13 of the enactment of this Act in which to fully imple-
 14 ment this Act.

15 (2) **IMPLEMENTATION BY TRIBES AND IN IN-**
 16 **DIAN COUNTRY.—**The Attorney General shall coordi-
 17 nate with the Secretary of the Interior to assist trib-
 18 al actors in fully implementing this Act throughout
 19 the jurisdiction of each tribal actor.

20 (b) **INELIGIBILITY FOR FUNDS.—**

21 (1) **IN GENERAL.—**For any fiscal year after the
 22 expiration of the period specified in subsection
 23 (a)(1), a State actor or tribal actor that fails to fully
 24 implement this Act shall not receive 10 percent of
 25 the funds that would otherwise be allocated for that

1 fiscal year to the actor under any of the following
 2 programs:

3 (A) ~~BYRNE.~~—Subpart 1 of Part E of title
 4 I of the Omnibus Crime Control and Safe
 5 Streets Act of 1968 (42 U.S.C. 3750 et seq.),
 6 whether characterized as the Edward Byrne
 7 Memorial State and Local Law Enforcement
 8 Assistance Programs, the Edward Byrne Me-
 9 morial Justice Assistance Grant Program, or
 10 otherwise.

11 (B) ~~LLEBC.~~—The Local Government
 12 Law Enforcement Block Grants program.

13 (C) ~~OTHER LAW ENFORCEMENT~~
 14 ~~GRANTS.~~—Any other program under which the
 15 Attorney General provides grants or other fi-
 16 nancial assistance, except for the SOMA pro-
 17 gram under this section.

18 (2) ~~REALLOCATION.~~—Amounts not allocated
 19 under a program referred to in paragraph (1) to an
 20 actor for failure to fully implement this Act shall be
 21 reallocated under that program to State actors and
 22 tribal actors that have not failed to fully implement
 23 this Act.

24 (c) ~~SEX OFFENDER MANAGEMENT ASSISTANCE PRO-~~
 25 ~~GRAM.~~—

1 (1) IN GENERAL.—From amounts made avail-
2 able to carry out this subsection, the Attorney Gen-
3 eral shall carry out a program, to be known as the
4 Sex Offender Management Assistance program (in
5 this section referred to as the “SOMA program”),
6 under which the Attorney General awards a grant to
7 each State actor or tribal actor to offset costs di-
8 rectly associated with implementing this Act.

9 (2) DISTRIBUTION OF FUNDS.—Each grant
10 awarded under the SOMA program shall be distrib-
11 uted directly to the State actor or tribal actor for
12 distribution by that actor to public entities within
13 that actor.

14 (3) USES.—

15 (A) IN GENERAL.—Subject to subpara-
16 graph (B), each grant awarded under the
17 SOMA program shall be used for training, sala-
18 ries, equipment, materials, and other costs di-
19 rectly associated with implementing this Act,
20 including the costs of acquiring and using de-
21 vices in carrying out section 104.

22 (B) DATABASES OF INDIVIDUALS IN CUS-
23 TODY.—Up to 10 percent of a grant awarded
24 under the SOMA program may be used to par-
25 ticipate in one or more databases that identify

1 individuals in custody, such as the
 2 JusticeXchange database.

3 ~~(4) ELIGIBILITY.—~~

4 ~~(A) APPLICATION.—~~To be eligible to re-
 5 ceive a grant under the SOMA program, the
 6 chief executive of a State actor or tribal actor
 7 shall, on an annual basis, submit to the Attor-
 8 ney General an application (in such form and
 9 containing such information as the Attorney
 10 General may reasonably require) assuring
 11 that—

12 (i) the actor has fully implemented (or
 13 is making a good faith effort to fully im-
 14 plement) this Act; and

15 (ii) where applicable, the actor has
 16 penalties comparable to or greater than
 17 Federal penalties for crimes listed in this
 18 Act, except that the Attorney General may
 19 waive the requirement of this clause if an
 20 actor demonstrates an overriding need for
 21 assistance under the SOMA program.

22 ~~(B) REGULATIONS.—~~Not later than 90
 23 days after the date of the enactment of this
 24 Act, the Attorney General shall promulgate reg-
 25 ulations to implement the procedures used (in-

cluding the information that must be included
and the requirements that the State actors or
tribal actors must meet) in submitting an appli-
cation under the SOMA program.

(5) ALLOCATION OF FUNDS.—In allocating
funds under the SOMA program, the Attorney Gen-
eral may consider the number of covered individuals
registered in each actor's registry.

(6) INCORPORATION OF CERTAIN TRAINING
PROGRAMS.—Before implementing the SOMA pro-
gram, the Attorney General shall study the feasi-
bility of incorporating into the SOMA program the
activities of any technical assistance or training pro-
gram established as a result of section 40152 of the
Violent Crime Control and Law Enforcement Act of
1994 (42 U.S.C. 13941). In a case in which incor-
porating such activities into the SOMA program will
eliminate duplication of efforts or administrative
costs, the Attorney General shall take administrative
actions, as allowable, and make recommendations to
Congress to incorporate such activities into the
SOMA program.

(d) INCENTIVES.—

(1) BONUS PAYMENTS FOR EARLY COMPLI-
ANCE.—A State actor or tribal actor that has fully

1 implemented this Act within 2 years after the date
2 of the enactment of this Act is eligible for a bonus
3 payment under the SOMA program for the fiscal
4 year after the Attorney General certifies that the
5 actor has achieved full implementation. The amount
6 of the bonus payment shall be equal to 5 percent of
7 the funds that the actor received under the SOMA
8 program for the preceding fiscal year. However, if
9 the actor has fully implemented this Act within 1
10 year after such date of enactment, the amount of the
11 bonus payment shall instead be equal to 10 percent
12 of the funds that the actor received under the
13 SOMA program for the preceding fiscal year. An
14 actor may receive a bonus payment under this para-
15 graph only once during the course of the SOMA pro-
16 gram.

17 (2) REDUCED PAYMENTS FOR LATE COMPLI-
18 ANCE.—A State actor or tribal actor that has failed
19 to fully implement this Act within 3 years after the
20 date of the enactment of this Act is subject to a pay-
21 ment reduction under the SOMA program for the
22 following fiscal year. The amount of the payment re-
23 duction shall be equal to 5 percent of the funds that
24 would otherwise be allocated to the actor under the
25 SOMA program for that fiscal year. In addition, if

1 the actor has failed to fully implement this Act with-
2 in 4 years after such date of enactment, the amount
3 of the payment reduction shall be equal to 10 per-
4 cent of the funds that would otherwise be allocated
5 to the actor under the SOMA program for that fis-
6 cal year. An actor may be subject to a payment re-
7 duction under this paragraph only twice during the
8 course of the SOMA program.

9 (c) **REPORTS TO CONGRESS.**—Each year, the Attor-
10 ney General shall submit to Congress a report identifying
11 the extent to which each State actor or tribal actor has
12 fully implemented this Act.

13 **SEC. 114. IMMUNITY FOR GOOD FAITH CONDUCT.**

14 A law enforcement agency, an employee of a law en-
15 forcement agency, a contractor acting at the direction of
16 a law enforcement agency, and an officer of a State actor
17 or tribal actor are immune from liability for good faith
18 efforts to carry out this Act.

19 **SEC. 115. REGULATIONS.**

20 The Attorney General shall issue regulations to carry
21 out this Act.

22 **SEC. 116. AUTHORIZATION OF APPROPRIATIONS.**

23 There is authorized to be appropriated for each of
24 fiscal years 2006 through 2009 such sums as may be nec-
25 essary to carry out this Act.

1 **TITLE II—AMENDATORY PROVI-**
 2 **SIONS, TRANSITION PROVI-**
 3 **SIONS, AND EFFECTIVE DATE**

4 **SEC. 201. FAILURE TO PROVIDE INFORMATION A DEPORT-**
 5 **ABLE OFFENSE.**

6 Section ~~237~~(a)(2)(A) of the Immigration and Nation-
 7 ality Act (~~8 U.S.C. 1227~~(a)(2)(A)) is amended—

8 (1) by redesignating clause (v) as clause (vi);
 9 and

10 (2) by inserting after clause (iv) the following
 11 new clause:

12 “(v) FAILURE TO PROVIDE REGISTRA-
 13 TION INFORMATION AS A SEX OF-
 14 FENDER.—Any alien who is convicted
 15 under subsection (d) of section ~~103~~ of the
 16 Sex Offender Registration and Notification
 17 Act of a violation of subsection (a) or (b)
 18 of such section is deportable.”.

19 **SEC. 202. REPEAL.**

20 Sections ~~170101~~ (~~42 U.S.C. 14071~~) and ~~170102~~ (~~42~~
 21 ~~U.S.C. 14072~~) of the Violent Crime Control and Law En-
 22 forcement Act of 1994 are repealed.

1 **SEC. 203. CONFORMING AMENDMENTS TO TITLE 18, UNITED**
 2 **STATES CODE.**

3 The following provisions of title 18, United States
 4 Code, are each amended by striking “and that the person
 5 register in any State where the person resides, is em-
 6 ployed, carries on a vocation, or is a student (as such
 7 terms are defined under section 170101(a)(3) of the Vio-
 8 lent Crime Control and Law Enforcement Act of 1994)”
 9 and inserting “and that the person comply with the Sex
 10 Offender Registration and Notification Act”:

11 (1) PROBATION.—Section 3563(a)(8).

12 (2) SUPERVISED RELEASE.—Section 3583(d).

13 **SEC. 204. EFFECTIVE DATE.**

14 This Act and the amendments made by this Act take
 15 effect on the date that is 6 months after the date of the
 16 enactment of this Act.

17 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

18 (a) *SHORT TITLE.*—This Act may be cited as—

19 (1) the “Jacob Wetterling, Megan Nicole Kanka,
 20 and Pam Lychner Sex Offender Registration and No-
 21 tification Grant Act”;

22 (2) the “Sex Offender Registration and Notifica-
 23 tion Act”; or

24 (3) the “Jetseta Gage Prevention and Deterrence
 25 of Crimes Against Children Act of 2005”.

1 *(b) TABLE OF CONTENTS.—The table of contents for*
 2 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Effective date.

**TITLE I—JACOB WETTERLING, MEGAN NICOLE KANKA, AND PAM
 LYCHNER SEX OFFENDER REGISTRATION AND NOTIFICATION
 GRANT PROGRAM**

*Sec. 101. Jacob Wetterling, Megan Nicole Kanka, and Pam Lychner Sex Offender
 Registration and Notification Grant Program.*

Sec. 102. Definitions.

Sec. 103. Assistance grants to participating States.

Sec. 104. Duty of covered individuals to provide information.

Sec. 105. Duties of Attorney General and participating States.

Sec. 106. Participating state sex offender registries.

Sec. 107. Development and availability of registry management software.

Sec. 108. Election by Indian tribes.

Sec. 109. Provision of notice and access to Indian tribes.

Sec. 110. Applicability to minors.

Sec. 111. Rule of construction.

Sec. 112. Immunity for good faith conduct.

Sec. 113. State unconstitutionality.

Sec. 114. Regulations.

Sec. 115. Authorization of appropriations.

Sec. 116. Effect on current law.

**TITLE II—DRU SJODIN NATIONAL SEX OFFENDER PUBLIC
 DATABASE ACT OF 2005**

Sec. 201. Short title and definitions.

Sec. 202. National sex offender public registry.

Sec. 203. Release of high-risk inmates.

**TITLE III—JETSETA GAGE PREVENTION AND DETERRENCE OF
 CRIMES AGAINST CHILDREN ACT OF 2005**

Sec. 301. Short title.

Sec. 302. Assured punishment for violent crimes against children.

Sec. 303. Increased penalties for sexual offenses against children.

TITLE IV—JESSICA LUNSFORD AND SARAH LUNDE ACT

Sec. 401. Short title.

Sec. 402. Pilot program for monitoring sexual offenders.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Access to Interstate Identification Index.

Sec. 502. Limitation on liability for NCMEC.

Sec. 503. Missing child reporting requirements.

Sec. 504. Treatment and management of sex offenders in the Bureau of Prisons.

Sec. 505. Authorization for American Prosecutors Research Institute.

Sec. 506. Sex offender apprehension grants.

Sec. 507. Access to Federal crime information databases by educational agencies for certain purposes.

Sec. 508. Grants to combat sexual abuse of children.

Sec. 509. Severability.

Sec. 510. Failure to provide information a deportable offense.

Sec. 511. Repeal.

Sec. 512. Conforming amendments to title 18, United States Code.

TITLE VI—COMPREHENSIVE EXAMINATION OF SEX OFFENDER ISSUES

Sec. 601. Comprehensive examination of sex offender issues.

1 SEC. 2. EFFECTIVE DATE.

2 *This Act and the amendments made by this Act take*
 3 *effect on the date that is 6 months after the date of the enact-*
 4 *ment of this Act.*

5 **TITLE I—JACOB WETTERLING,**
 6 **MEGAN NICOLE KANKA, AND**
 7 **PAM LYCHNER SEX OF-**
 8 **FENDER REGISTRATION AND**
 9 **NOTIFICATION GRANT PRO-**
 10 **GRAM**

11 **SEC. 101. JACOB WETTERLING, MEGAN NICOLE KANKA, AND**
 12 **PAM LYCHNER SEX OFFENDER REGISTRA-**
 13 **TION AND NOTIFICATION GRANT PROGRAM.**

14 *The Attorney General shall establish guidelines for*
 15 *States' sex offender registration programs pursuant to this*
 16 *title. Collectively, the guidelines and the programs shall be*
 17 *known as the “Jacob Wetterling, Megan Nicole Kanka, and*
 18 *Pam Lychner Sex Offender Registration and Notification*
 19 *Program”.*

1 **SEC. 102. DEFINITIONS.**

2 *In this title:*

3 (1) *COVERED INDIVIDUAL.*—The term “covered
4 individual” means any adult or juvenile in a partici-
5 pating domicile State, participating work State, or
6 participating school State convicted as an adult—

7 (A) *who has been convicted of a covered of-*
8 *fense against a minor;*

9 (B) *who has been convicted of a sexually*
10 *violent offense;*

11 (C) *who has been convicted of an offense de-*
12 *scribed in paragraph (2);*

13 (D) *who has been convicted of an offense*
14 *under State law that is similar to the offenses*
15 *described in described in paragraph (2);*

16 (E) *who is described in section 4042(c)(4) of*
17 *title 18, United States Code, except for those con-*
18 *victed of a violation of section 2257 or 2258 of*
19 *title 18, United States Code; or*

20 (F) *who has been sentenced by a court mar-*
21 *tial for conduct in a category specified by the*
22 *Secretary of Defense under section 115(a)(8)(C)*
23 *of title I of Public Law 105–119 (10 U.S.C. 951*
24 *note).*

25 (2) *COVERED OFFENSE AGAINST A MINOR.*—

1 (A) *IN GENERAL.*—*Except as provided in*
2 *subparagraph (C), the term “covered offense*
3 *against a minor” means an offense (whether*
4 *under the law of a State, Federal law, or mili-*
5 *tary law) that is comparable to or more severe*
6 *than any of the following offenses:*

7 (i) *Kidnapping of a minor, except by*
8 *a parent or guardian of the minor, if sexual*
9 *conduct toward the minor is proved beyond*
10 *a reasonable doubt.*

11 (ii) *False imprisonment of a minor,*
12 *except by a parent or guardian of the*
13 *minor, if sexual conduct toward the minor*
14 *is proved beyond a reasonable doubt.*

15 (iii) *Criminal sexual conduct toward a*
16 *minor.*

17 (iv) *Solicitation of a minor to engage*
18 *in sexual conduct.*

19 (v) *Use of a minor in a sexual per-*
20 *formance.*

21 (vi) *Solicitation of a minor to practice*
22 *prostitution.*

23 (vii) *Possession, production, or dis-*
24 *tribution of child pornography, as described*

1 *in section 2251, 2252, or 2252A of title 18,*
2 *United States Code.*

3 *(viii) Use of the Internet to facilitate*
4 *or commit a covered offense against a minor*
5 *or to attempt to commit such an offense*
6 *against an agent of the government who has*
7 *been represented to be a minor.*

8 *(ix) Video voyeurism as described in*
9 *section 1801 of title 18, United States Code,*
10 *when committed against a minor.*

11 *(x) An attempt or conspiracy to com-*
12 *mit any of the offenses listed in this defini-*
13 *tion.*

14 *(B) CONVICTIONS UNDER THE LAWS OF A*
15 *FOREIGN COUNTRY.—The term “covered offense*
16 *against a minor” includes convictions for of-*
17 *fenses specified in subparagraph (A) that have*
18 *been obtained under the laws of any foreign na-*
19 *tion that has been certified by the Attorney Gen-*
20 *eral, after notice and an opportunity for a hear-*
21 *ing, as having a sufficiently reliable criminal*
22 *justice system.*

23 *(C) EXCEPTION FOR CERTAIN OFFENSES.—*
24 *The term “covered offense against a minor” does*
25 *not include an offense if the conduct on which*

1 *the offense is based is criminal only because of*
2 *the age of the victim, and if individual had com-*
3 *mitted the offense either had not attained the age*
4 *of 18 years or was less than 4 years older than*
5 *the victim when the offense was committed.*

6 (3) *DOMICILE.*—*The term “domicile” means,*
7 *with respect to an individual, any place that serves*
8 *as the primary place at which the individual lives.*

9 (4) *DOMICILE STATE.*—*The term “domicile*
10 *State” means, with respect to an individual, the State*
11 *within the jurisdiction of which is the individual’s*
12 *domicile.*

13 (5) *EDUCATIONAL INSTITUTION.*—*The term*
14 *“educational institution” includes (whether public or*
15 *private) any secondary school, trade or professional*
16 *institution, and institution of higher education.*

17 (6) *EMPLOYMENT.*—*The term “employment” in-*
18 *cludes carrying on a vocation and covers any labor*
19 *or service rendered (whether as a volunteer or for*
20 *compensation or for government or educational ben-*
21 *efit) on a full-time or part-time basis.*

22 (7) *MINOR.*—*The term “minor” means any per-*
23 *son who has not attained the age of 18 years or the*
24 *age of consent in the relevant jurisdiction, whichever*
25 *age is lower.*

1 (8) *NATIONAL SEX OFFENDER REGISTRY.*—*The*
 2 *term “National Sex Offender Registry” means the*
 3 *database maintained by the Attorney General pursu-*
 4 *ant to section 105.*

5 (9) *NATIONAL SEX OFFENDER PUBLIC REG-*
 6 *ISTRY.*—*The term “National Sex Offender Public*
 7 *Registry” means the Internet site maintained by the*
 8 *Attorney General pursuant to section 202.*

9 (10) *PARTICIPATING STATE.*—*The term “partici-*
 10 *pating State” means a State participating in the*
 11 *grant program authorized under this title.*

12 (11) *SCHOOL STATE.*—*The term “school State”*
 13 *means, with respect to an individual, the State with-*
 14 *in the jurisdiction of which the educational institu-*
 15 *tion at which the individual is a student is located.*

16 (12) *SEXUALLY VIOLENT OFFENSE.*—*The term*
 17 *“sexually violent offense” means an offense (whether*
 18 *under the law of a State, Federal law, military law,*
 19 *or the law of a foreign country) that is comparable*
 20 *to or more severe than any of the following offenses:*

21 (A) *Aggravated sexual abuse or sexual abuse*
 22 *(as described in sections 2241 and 2242 of title*
 23 *18, United States Code).*

24 (B) *An attempt or conspiracy to commit*
 25 *such an offense.*

1 (13) *STATE*.—The term “State” means any of
2 the following:

3 (A) *A State*.

4 (B) *The District of Columbia, the Common-*
5 *wealth of Puerto Rico, Guam, American Samoa,*
6 *the United States Virgin Islands, or the Northern*
7 *Mariana Islands.*

8 (C) *A federally recognized Indian tribe that*
9 *has elected in accordance with section 108 to*
10 *carry out this Act as a jurisdiction subject to its*
11 *provisions.*

12 (14) *STUDENT*.—The term “student” means an
13 individual who, whether on a full-time or part-time
14 basis, enrolls in or attends an educational institution.

15 (15) *TIER I INDIVIDUAL*.—The term “Tier I in-
16 dividual” means an individual required to register
17 under this title who is subject to the least intensive
18 registration requirements, as determined in accord-
19 ance with criteria promulgated under section
20 106(b)(1)(E).

21 (16) *TIER II INDIVIDUAL*.—The term “Tier II in-
22 dividual” means an individual required to register
23 under this title who is subject to more intensive reg-
24 istration requirements than Tier I individuals, as de-

1 *terminated in accordance with criteria promulgated*
 2 *under section 106(b)(1)(E).*

3 (17) *TIER III INDIVIDUAL.*—*The term “Tier III*
 4 *individual” means an individual required to register*
 5 *under this title who is subject to the most intensive*
 6 *registration requirements, as determined in accord-*
 7 *ance with criteria promulgated under section*
 8 *106(b)(1)(E).*

9 (18) *WORK STATE.*—*The term “work State”*
 10 *means, with respect to an individual, the State with-*
 11 *in the jurisdiction of which the individual’s current*
 12 *place of employment is located or, if the individual*
 13 *is unemployed, the individual’s most recent place of*
 14 *employment.*

15 **SEC. 103. ASSISTANCE GRANTS TO PARTICIPATING STATES.**

16 (a) *SEX OFFENDER MANAGEMENT ASSISTANCE PRO-*
 17 *GRAM.*—

18 (1) *IN GENERAL.*—*From amounts made avail-*
 19 *able to carry out this subsection, the Attorney General*
 20 *shall carry out a program, to be known as the Sex*
 21 *Offender Management Assistance program (in this*
 22 *section referred to as the “SOMA program”), under*
 23 *which the Attorney General may award grants to*
 24 *participating States to offset costs directly associated*
 25 *with implementing this title.*

1 (2) *DISTRIBUTION OF FUNDS.*—*Each grant*
 2 *awarded under the SOMA program shall be distrib-*
 3 *uted directly to the participating State for distribu-*
 4 *tion by that participating State to public entities, in-*
 5 *cluding local governments and law enforcement agen-*
 6 *cies, within that participating State.*

7 (3) *USES.*—*Up to 10 percent of a grant awarded*
 8 *under the SOMA program may be used to participate*
 9 *in 1 or more databases that identify individuals in*
 10 *custody.*

11 (4) *ELIGIBILITY.*—

12 (A) *IN GENERAL.*—*To be eligible to receive*
 13 *a grant under the SOMA program in a fiscal*
 14 *year and except as provided in subparagraph*
 15 *(B), the chief executive of a participating State*
 16 *shall submit to the Attorney General an applica-*
 17 *tion (in such form, at such a time, and con-*
 18 *taining such information as the Attorney Gen-*
 19 *eral may reasonably require) assuring that—*

20 (i) *the participating State has substan-*
 21 *tially implemented (or is making a good*
 22 *faith effort to substantially implement) this*
 23 *title; and*

1 (ii) the participating State has made
 2 the failure of a covered individual to reg-
 3 ister as required a felony.

4 (B) *EXCEPTION.*—The Attorney General
 5 may waive the requirement of subparagraph (A)
 6 if a participating State demonstrates an over-
 7 riding need for assistance under the SOMA pro-
 8 gram.

9 (5) *ALLOCATION OF FUNDS.*—In allocating funds
 10 under the SOMA program, the Attorney General may
 11 consider the number of covered individuals registered
 12 in each participating State’s registry.

13 (6) *INCORPORATION OF CERTAIN TRAINING PRO-*
 14 *GRAMS.*—

15 (A) *STUDY.*—During the course of imple-
 16 menting the SOMA program, the Attorney Gen-
 17 eral shall study the feasibility of incorporating
 18 into the SOMA program the activities of any
 19 technical assistance or training program estab-
 20 lished as a result of section 40152 of the Violent
 21 Crime Control and Law Enforcement Act of
 22 1994 (42 U.S.C. 13941).

23 (B) *INCORPORATING.*—In a case in which
 24 incorporating such activities into the SOMA pro-
 25 gram will eliminate duplication of efforts or ad-

1 *ministrative costs, the Attorney General shall*
 2 *take administrative actions, as allowable, and*
 3 *make recommendations to Congress to incor-*
 4 *porate such activities into the SOMA program.*

5 ***(b) INCENTIVES; BONUS PAYMENTS FOR EARLY COM-***
 6 ***PLIANCE.—***

7 ***(1) BONUS.—****A participating State that has sub-*
 8 *stantially implemented this title within 2 years after*
 9 *the date of the enactment of this Act is eligible for a*
 10 *bonus payment under the SOMA program for the fis-*
 11 *cal year after the Attorney General certifies that the*
 12 *participating State has achieved substantial imple-*
 13 *mentation.*

14 ***(2) AMOUNT.—****The amount of the bonus payment*
 15 *under paragraph (1) shall be—*

16 ***(A)*** *equal to 5 percent of the funds that the*
 17 *participating State received under the SOMA*
 18 *program for the preceding fiscal year; or*

19 ***(B)*** *if the participating State has substan-*
 20 *tially implemented this title within 1 year after*
 21 *the date of enactment of this Act, the amount of*
 22 *the bonus payment shall be equal to 10 percent*
 23 *of the funds that the participating State received*
 24 *under the SOMA program for the preceding fis-*
 25 *cal year.*

1 (3) *ONE PAYMENT.*—*A participating State may*
 2 *receive a bonus payment under this subsection only*
 3 *once during the course of the SOMA program.*

4 (c) *REPORTS TO CONGRESS.*—*Each year, the Attorney*
 5 *General shall submit to Congress a report identifying the*
 6 *extent to which each participating State has implemented*
 7 *this title.*

8 **SEC. 104. DUTY OF COVERED INDIVIDUALS TO PROVIDE IN-**
 9 **FORMATION.**

10 (a) *INFORMATION REQUIRED PERIODICALLY.*—*A cov-*
 11 *ered individual shall, for the life of that individual (except*
 12 *as provided in this section), provide information as follows:*

13 (1) *REGISTRATION INFORMATION.*—*Initially dur-*
 14 *ing the time period specified in accordance with*
 15 *paragraph (4), and thereafter as provided in para-*
 16 *graph (5), the individual shall—*

17 (A) *appear before persons designated by the*
 18 *individual's participating domicile State, par-*
 19 *ticipating work State (if different from the par-*
 20 *ticipating domicile State), and participating*
 21 *school State (if different from the participating*
 22 *domicile State); and*

23 (B) *provide to such persons—*

24 (i) *the individual's name and aliases;*

1 (ii) the individual's Social Security
2 number;

3 (iii) the address where the individual
4 maintains or will maintain his domicile;

5 (iv) a photocopy of a valid driver's li-
6 cense or identification card issued to the in-
7 dividual from the Department of Motor Ve-
8 hicles in the individual's domicile State;

9 (v) the license plate number of, and
10 other identifying information with respect
11 to, each vehicle owned or operated by the in-
12 dividual;

13 (vi) the name and address of the place
14 where the individual is employed or will be
15 employed; and

16 (vii) the name and address of any edu-
17 cational institution at which the individual
18 is a student or will be a student.

19 (2) *PHOTOGRAPH.*—Initially during the time pe-
20 riod specified in accordance with paragraph (4), and
21 thereafter at least once every 12 months, the indi-
22 vidual shall appear before persons designated by the
23 individual's participating domicile State, partici-
24 pating work State (if different from the participating
25 domicile State), and participating school State (if

1 *different from the participating domicile State) and*
 2 *submit to the taking of a photograph.*

3 (3) *FINGERPRINTS.—During the time period*
 4 *specified in accordance with paragraph (4), the indi-*
 5 *vidual shall appear before persons designated by the*
 6 *individual's participating domicile State, partici-*
 7 *pating work State (if different from the participating*
 8 *domicile State), and participating school State (if*
 9 *different from the participating domicile State) and*
 10 *submit to the taking of fingerprints. This paragraph*
 11 *does not apply if the State determines that it already*
 12 *has a valid set of fingerprints in its possession.*

13 (4) *TIMING OF INITIAL REGISTRATION.—The At-*
 14 *torney General shall prescribe the time period within*
 15 *which a covered individual must fulfill the initial*
 16 *registration requirements set forth in paragraphs (1),*
 17 *(2), and (3).*

18 (5) *ONGOING REGISTRATION.—*

19 (A) *IN GENERAL.—The ongoing registration*
 20 *requirement under paragraph (1) is—*

21 (i) *for Tier I individuals every 12*
 22 *months;*

23 (ii) *for Tier II individuals every 6*
 24 *months; and*

1 (iii) for Tier III individuals every 3
2 months.

3 (B) *EXEMPTION.*—A covered individual is
4 exempt from the ongoing registration require-
5 ment of this subsection if the covered individual
6 is incarcerated at the time specified in subpara-
7 graph (A).

8 (6) *COVERED INDIVIDUAL IN CUSTODY OF A*
9 *STATE OTHER THAN DOMICILE STATE.*—A covered in-
10 dividual who, during the time period specified in ac-
11 cordance with paragraph (4), is in the custody of a
12 participating State that is not the individual's par-
13 ticipating domicile State, shall fulfill the initial reg-
14 istration requirements set forth in paragraphs (1),
15 (2), and (3) by providing the specified information to
16 an appropriate official of the jurisdiction that is
17 holding the individual in custody. The official shall
18 promptly make available that information to the in-
19 dividual's domicile State.

20 (7) *INDIVIDUAL IN FEDERAL OR MILITARY CUS-*
21 *TODY.*—Whenever an individual is a covered indi-
22 vidual on the basis of subparagraph (C), (E) or (F)
23 of section 102(1), the procedure upon release or sen-
24 tencing of the individual shall be as provided in sec-
25 tion 4042(c) of title 18, United States Code, or section

1 115(a)(8)(C) of title I of Public Law 105–119. The
2 individual shall promptly register and continue to
3 register as provided in this section in each partici-
4 pating domicile, work, and school State of the indi-
5 vidual. To the extent that any procedure or require-
6 ment of this section cannot be applied to the indi-
7 vidual, the Attorney General may specify alternative
8 procedures and requirements for the registration of
9 such individuals in participating domicile, work, and
10 school States.

11 (8) *RETROACTIVE APPLICATION.*—The Attorney
12 General shall have the authority to—

13 (A) specify the applicability of the require-
14 ments of this title to individuals who are covered
15 individuals based on a conviction or sentencing
16 that occurred prior to the date of enactment or
17 who are, as of the date of enactment of this Act,
18 incarcerated or under a non-incarcerative sen-
19 tence for some other offense;

20 (B) specify the applicability of the require-
21 ments of this title to all other individuals who
22 are covered individuals based on a conviction or
23 sentencing that occurred prior to the enactment
24 date of enactment of this Act or the implementa-

tion of the requirements of this title by a participating State; and

(C) specify procedures and methods for the registration of individuals to whom the requirements of this title apply pursuant to subparagraph (A) or (B).

(b) *REQUIREMENT TO REGISTER AND KEEP REGISTRATION INFORMATION CURRENT.*—

(1) *REGISTRATION REQUIREMENT.*—A covered individual shall, for the life of that individual (except as provided in this section), promptly register in each participating domicile, work, and school State of the individual and keep the registration information current. To the extent that the procedures or requirements for registering or updating registration information in any participating domicile, work, or school State are not fully specified in this section, the Attorney General may specify such procedures and requirements.

(2) *CHANGES TO REGISTRATION INFORMATION OF CERTAIN OFFENDERS.*—The following shall apply to changes of registration information under this section for Tier II and Tier III individuals:

(A) *CHANGE OF NAME.*—Not more than 5 days after changing his or her name, the indi-

vidual shall appear before persons designated by the individual's participating domicile State, participating work State (if different from the participating domicile State), and participating school State (if different from the participating domicile State) and provide the new name.

(B) *CHANGE OF ADDRESS.*—Not more than 5 days before or after establishing a new domicile, the individual shall—

(i) appear before persons designated by the individual's participating domicile State, participating work State (if different from the participating domicile State), and participating school State (if different from the participating domicile State) and provide the address of the new domicile and the address of the previous domicile; and

(ii) if the new domicile and the previous domicile are not both within the jurisdiction of a single participating State under this Act—

(I) appear before a person designated by the individual's previous participating domicile State (and appear before persons designated by the

individual's participating work State
 (if different from the previous partici-
 pating domicile State) and partici-
 pating school State (if different from
 the previous participating domicile
 State)) and fulfill the requirements of
 clause (i); and

(II) appear before a person des-
 ignated by the individual's new par-
 ticipating domicile State to—

(aa) provide the designated
 person the address of the new
 domicile and the address of the
 previous domicile; and

(bb) submit to the taking of a
 photograph and, unless the par-
 ticipating State determines that it
 already possesses a valid set, fin-
 gerprints.

(C) CHANGE OF EMPLOYMENT.—Not more
 than 5 days before or after beginning, or ceasing,
 employment by an employer, the individual shall
 appear before, and provide notice of the begin-
 ning or ceasing, and the name and address of the
 employer, to—

1 (i) a person designated by the individ-
2 ual's participating domicile State; and

3 (ii) if the individual's participating
4 work State is different from the domicile
5 State, a person designated by the individ-
6 ual's participating work State.

7 (D) *CHANGE OF STUDENT STATUS.*—Not
8 more than 5 days before, after beginning, or
9 ceasing to be a student at an educational institu-
10 tion, the individual shall appear before, and pro-
11 vide notice of the beginning or ceasing, and the
12 name and address of the educational institution,
13 to—

14 (i) a person designated by the individ-
15 ual's participating domicile State; and

16 (ii) if the individual's participating
17 school State is different from the domicile
18 State, a person designated by the individ-
19 ual's participating school State.

20 (c) *PUNISHMENT.*—

21 (1) *IN GENERAL.*—Whoever—

22 (A) knowingly fails to register in any juris-
23 diction in which such person is required to reg-
24 ister under this title; and

1 (B)(i) *has been convicted of a Federal of-*
 2 *fense, an offense under the Uniform Code of Mili-*
 3 *tary Justice, or a tribal offense, for which reg-*
 4 *istration is required by such Act or law; or*
 5 (ii) *travels in interstate or foreign com-*
 6 *merce.*

7 *shall be fined under this title and imprisoned accord-*
 8 *ing to the penalties in paragraphs (2) and (3).*

9 (2) *FIRST CONVICTION.—On the first conviction*
 10 *under paragraph (1)—*

11 (A) *a Tier I individual shall be fined under*
 12 *title 18, United States Code, or imprisoned not*
 13 *more than 3 years, or both;*

14 (B) *a Tier II individual shall be fined*
 15 *under title 18, United States Code, or impris-*
 16 *oned not more than 5 years, or both; and*

17 (C) *a Tier III individual shall be fined*
 18 *under title 18, United States Code, or impris-*
 19 *oned not more than 10 years, or both.*

20 (3) *SUBSEQUENT CONVICTIONS.—On any convic-*
 21 *tion after the first under paragraph (1)—*

22 (A) *a Tier I individual shall be fined under*
 23 *title 18, United States Code, or imprisoned not*
 24 *more than 10 years, or both;*

1 (B) a Tier II individual shall be fined
2 under title 18, United States Code, or impris-
3 oned not more than 20 years, or both; and

4 (C) a Tier III individual shall be fined
5 under title 18, United States Code, or impris-
6 oned for any term of years or for life, or both.

7 (4) *AFFIRMATIVE DEFENSE.*—In a prosecution
8 for a violation under this section, it is an affirmative
9 defense—

10 (A) that uncontrollable circumstances pre-
11 vented the individual from complying;

12 (B) the individual did not contribute to the
13 creation of such circumstances in reckless dis-
14 regard of the requirement to comply; and

15 (C) the individual complied as soon as such
16 circumstances ceased to exist.

17 (5) *CONTINUING VIOLATIONS.*—A violation under
18 this section is a continuing violation for purposes of
19 the statute of limitations.

20 (6) *EXCEPTIONS.*—An individual may petition
21 for relief from the requirements of subsections (a) and
22 (b) based on a claim that—

23 (A) the conviction that subjected the indi-
24 vidual to those requirements has been overturned;

1 (B) the individual's inclusion on the appli-
 2 cable registry is the result of an administrative
 3 or clerical error; or

4 (C) the individual has been pardoned by the
 5 chief executive of the jurisdiction in which the
 6 individual was convicted of the crime that sub-
 7 jected the individual to the requirements of sub-
 8 sections (a) and (b).

9 (d) *EXCEPTIONS FOR CERTAIN INDIVIDUALS.*—Sub-
 10 sections (a) and (b) apply to any covered individual, except
 11 as provided as follows:

12 (1) *TIER I INDIVIDUALS.*—The individual is a
 13 Tier I individual and both of the following apply:

14 (A) The individual has only 1 conviction
 15 for an offense that qualifies the individual as a
 16 covered individual.

17 (B) A period of at least 10 years, excluding
 18 ensuing periods of incarceration, has expired
 19 since the date on which the individual was sen-
 20 tenced for, or completed the term of imprison-
 21 ment for, the conviction described in subpara-
 22 graph (A).

23 (2) *TIER II INDIVIDUALS.*—The individual is a
 24 Tier II individual and both of the following apply:

1 (A) *The individual has only 1 conviction*
 2 *for an offense that qualifies the individual as a*
 3 *covered individual.*

4 (B) *A period of at least 20 years, excluding*
 5 *ensuing periods of incarceration, has expired*
 6 *since the date on which the individual was sen-*
 7 *tenced for, or completed the term of imprison-*
 8 *ment for, the conviction described in subpara-*
 9 *graph (A).*

10 **SEC. 105. DUTIES OF ATTORNEY GENERAL AND PARTICI-**
 11 **PATING STATES.**

12 (a) *DUTY TO OBTAIN ACKNOWLEDGMENT OF OBLIGA-*
 13 *TIONS.—*

14 (1) *IN GENERAL.—During the time period speci-*
 15 *fied in paragraph (2), an appropriate official shall—*

16 (A) *inform each covered individual of the*
 17 *duty to register and of that individual's ongoing*
 18 *obligations under this title;*

19 (B) *require the individual to read and sign*
 20 *a form affirming that—*

21 (i) *the duty to register has been ex-*
 22 *plained to the individual;*

23 (ii) *the individual's ongoing obliga-*
 24 *tions under this title have been explained to*
 25 *the individual; and*

1 (iii) the individual understands the
2 registration requirements; and

3 (C) ensure that the individual has com-
4 pleted the initial registration process.

5 (2) *APPROPRIATE TIME PERIOD.*—The Attorney
6 General shall prescribe an appropriate time period
7 during which the requirements set forth in paragraph
8 (1) shall be fulfilled.

9 (3) *FULFILLMENT.*—The requirements of para-
10 graph (1) shall be fulfilled—

11 (A) before a covered individual has been re-
12 leased from custody; or

13 (B) if the covered individual is not in cus-
14 tody, shortly after the individual has been sen-
15 tenced.

16 (b) *OBTAINING AND SHARING INFORMATION.*—

17 (1) *OBTAINING INFORMATION.*—When an indi-
18 vidual appears before the Attorney General or a par-
19 ticipating State to provide information pursuant to
20 this title (including information such as photographs
21 and fingerprints), the Attorney General (or the par-
22 ticipating State, or both, as the case may be) shall—

23 (A) ensure that the individual complies
24 with the applicable requirements of this title;

1 (B) ensure that the information provided is
2 accurate and complete; and

3 (C) ensure that the information provided is
4 promptly entered into the appropriate records or
5 data system of the participating State.

6 (2) *SHARING INFORMATION.*—

7 (A) *DOMICILE STATE.*—The domicile State
8 of an individual, and the State which originally
9 registers the individual if different from the
10 domicile State, shall promptly notify each domi-
11 cile, work, and school State of the individual of
12 which it is aware concerning the individual's
13 domicile, employment, or student status in such
14 State and shall make available to each such
15 State the information concerning the individual.

16 (B) *CHANGE IN DOMICILE.*—If a domicile
17 State of an individual is informed by the indi-
18 vidual, or otherwise becomes aware, that there
19 will be or has been a change in the individual's
20 domicile State, the domicile State shall promptly
21 notify the new domicile State and make avail-
22 able to the new domicile State the information
23 concerning the individual.

24 (C) *AVAILABLE INFORMATION.*—A domicile
25 State shall promptly make available the infor-

1 *mation concerning an individual to a law en-*
 2 *forcement agency or agencies in the State having*
 3 *jurisdiction where—*

4 *(i) the individual's domicile is located;*

5 *(ii) the individual's place of employ-*
 6 *ment is located; and*

7 *(iii) any educational institution at*
 8 *which the individual is a student is located.*

9 *(c) ENTRY OF INFORMATION INTO THE NATIONAL SEX*
 10 *OFFENDER REGISTRY.—*

11 *(1) MAINTENANCE OF A NATIONAL SEX OF-*
 12 *FENDER REGISTRY.—The Attorney General shall*
 13 *maintain a national database at the Federal Bureau*
 14 *of Investigation, to be known as the National Sex Of-*
 15 *fender Registry, which shall include information con-*
 16 *cerning covered individuals who are required to reg-*
 17 *ister in the sex offender registry of any jurisdiction.*
 18 *Information may be released from the National Sex*
 19 *Offender Registry to criminal justice agencies, and to*
 20 *other entities as the Attorney General may provide.*

21 *(2) PARTICIPATION IN THE NATIONAL SEX OF-*
 22 *FENDER REGISTRIES.—Each participating State*
 23 *shall, in the time and manner provided by the Attor-*
 24 *ney General—*

1 (A) submit to the Attorney General the in-
2 formation concerning each covered individual
3 under this title, which shall be included in the
4 National Sex Offender Registry or other data-
5 bases as appropriate;

6 (B) submit the information described in
7 subparagraph (A) in a manner that allows the
8 Attorney General to include it in the National
9 Sex Offender Registries; and

10 (C) participate in the National Sex Of-
11 fender Public Registry maintained pursuant to
12 section 202.

13 (d) *WHEN A COVERED INDIVIDUAL IS MISSING.*—

14 (1) *STATE.*—Whenever a participating State is
15 unable to verify the address of or locate a covered in-
16 dividual, the participating State shall promptly no-
17 tify the Attorney General.

18 (2) *ATTORNEY GENERAL.*—Whenever information
19 is made known to the Attorney General under para-
20 graph (1) that a State is unable to verify the address
21 of or locate a covered individual, the Attorney Gen-
22 eral shall—

23 (A) revise the National Sex Offender Reg-
24 istry to reflect that information; and

1 (B) add the name of the individual to the
 2 wanted person file of the National Crime Infor-
 3 mation Center and create a wanted persons
 4 record if an arrest warrant that meets the re-
 5 quirements for entry into the file is issued in
 6 connection with the violation.

7 (3) INVESTIGATION.—The Attorney General shall
 8 use the authority provided in section 566(e)(1)(B) of
 9 title 28, United States Code, the authority to inves-
 10 tigate offenses under chapter 49 of title 18, United
 11 States Code, and the authority provided in any other
 12 relevant provision of law, as appropriate, to assist
 13 States and other jurisdictions in locating and appre-
 14 hending covered individuals and any other individ-
 15 uals who violate sex offender registration require-
 16 ments.

17 (e) AUTHORIZATION OF APPROPRIATIONS.—There are
 18 authorized to be appropriated such sums as may be nec-
 19 essary for fiscal years 2006 through 2008 to carry out this
 20 section.

21 **SEC. 106. PARTICIPATING STATE SEX OFFENDER REG-**
 22 **ISTRIES.**

23 (a) STATEWIDE REGISTRY REQUIRED.—Each partici-
 24 pating State shall maintain, throughout its jurisdiction, a

1 *single comprehensive registry of information collected under*
 2 *this title.*

3 (b) *RELEASE OF INFORMATION IN REGISTRY.—Each*
 4 *participating State shall have in effect, throughout its juris-*
 5 *diction, a single public information program that includes*
 6 *the following elements:*

7 (1) *INTERNET SITE.—*

8 (A) *INFORMATION.—*

9 (i) *IN GENERAL.—Except as provided*
 10 *in clause (iii), the participating State shall*
 11 *release to the public, through an Internet*
 12 *site maintained by the State that shall have*
 13 *multiple field search capability, the fol-*
 14 *lowing information for Tier II and III in-*
 15 *dividuals whose domicile State, work State,*
 16 *or school State is the same as the partici-*
 17 *pating State:*

18 (I) *The name and any known*
 19 *aliases of the individual.*

20 (II) *The date of birth of the indi-*
 21 *vidual.*

22 (III) *A physical description of the*
 23 *individual.*

24 (IV) *The current photograph of*
 25 *the individual.*

1 (V) *The domicile address of the*
2 *individual.*

3 (VI) *The address of the individ-*
4 *ual's place of employment.*

5 (VII) *The address of any edu-*
6 *cational institution at which the indi-*
7 *vidual is a student.*

8 (VIII) *The nature and date of all*
9 *offenses qualifying the individual as a*
10 *covered individual.*

11 (IX) *The date on which the indi-*
12 *vidual was released from prison, or*
13 *placed on parole, supervised release, or*
14 *probation, for the most recent offense*
15 *qualifying the individual as a covered*
16 *individual.*

17 (X) *Tier designation for the indi-*
18 *vidual.*

19 (XI) *Compliance status of the in-*
20 *dividual.*

21 (ii) *TIER I INDIVIDUALS.—The partici-*
22 *pating State may, at its discretion, include*
23 *information about Tier I individuals on its*
24 *Internet site.*

1 (iii) *VICTIMS.*—*The participating*
2 *State shall make every effort not to disclose*
3 *the identity of the victim of an offense. In-*
4 *formation about a covered individual whose*
5 *duty to register is based solely on offenses*
6 *against intrafamilial minors may, after*
7 *consultation with the victim, be limited or*
8 *withheld in its entirety from an Internet*
9 *site or registry, at the discretion of the par-*
10 *ticipating State.*

11 (iv) *LINKS.*—*The site shall include, as*
12 *much as practicable, links to sex offender*
13 *safety and education resources.*

14 (B) *INTEGRATION OF STATE SITES.*—*The*
15 *participating State shall consult with other*
16 *States to ensure, as much as practicable, that the*
17 *site integrates with and shares information with*
18 *the sites maintained by those other States.*

19 (C) *CORRECTION OF ERRORS.*—*The site*
20 *shall contain instructions on the process for cor-*
21 *recting information that a person alleges to be*
22 *erroneous.*

23 (D) *WARNING.*—*The site shall include a*
24 *warning that the information presented should*
25 *not be used to injure, harass, or commit a crimi-*

1 *nal act against any individual named in the*
 2 *registry or residing or working at any reported*
 3 *address. The warning shall note that any such*
 4 *action could result in criminal prosecution.*

5 *(E) TIER DESIGNATION.—*

6 *(i) IN GENERAL.—The participating*
 7 *State shall establish 3 tier designations. The*
 8 *tier designation of an individual shall be*
 9 *determined under criteria promulgated by*
 10 *the participating State in accordance with*
 11 *the participating State's resources and local*
 12 *priorities.*

13 *(ii) SEXUALLY VIOLENT OFFENDERS.—*
 14 *All individuals convicted of sexually violent*
 15 *offenses shall be designated as Tier III indi-*
 16 *viduals.*

17 *(iii) PHYSICAL CONTACT OF A SEXUAL*
 18 *NATURE WITH A MINOR.—All individuals*
 19 *convicted of any offense, an element of*
 20 *which is physical contact of a sexual nature*
 21 *with a minor, shall be designated as Tier II*
 22 *or Tier III individuals.*

23 *(2) COMMUNITY NOTIFICATION.—*

24 *(A) TIER II INDIVIDUALS.—Appropriate*
 25 *law enforcement agencies in participating States*

1 *shall release information collected under this title*
 2 *relating to Tier II individuals to public and pri-*
 3 *vate schools, including institutions of higher*
 4 *learning, child care providers, and businesses*
 5 *that provide services or products to children, lo-*
 6 *cated within a radius, prescribed by the partici-*
 7 *pating State, of the home or work address of the*
 8 *individual.*

9 (B) *TIER III INDIVIDUALS.*—*Appropriate*
 10 *law enforcement agencies in participating States*
 11 *shall release information collected under this title*
 12 *relating to Tier III individuals to—*

13 (i) *public and private schools, includ-*
 14 *ing institutions of higher learning, child*
 15 *care providers, and businesses that provide*
 16 *services or products to children, located*
 17 *within a radius, prescribed by the partici-*
 18 *pating State, of the home or work address*
 19 *of the individual; and*

20 (ii) *residents who reside within a ra-*
 21 *dius, prescribed by the participating State,*
 22 *of the home or work address of the indi-*
 23 *vidual.*

24 (c) *PUBLICATION OF NUMBER OF OFFENDERS REG-*
 25 *ISTERED.*—

1 (1) *IN GENERAL.*—*Every 6 months, the Attorney*
 2 *General shall collect from each State information on*
 3 *the total number of covered individuals included in*
 4 *the registry maintained by that State.*

5 (2) *PUBLIC AVAILABILITY AND CONTENTS.*—*The*
 6 *Attorney General shall—*

7 (A) *release information under paragraph*
 8 (1) *to the public in a manner consistent with*
 9 *this title; and*

10 (B) *include in such a release the number of*
 11 *individuals within each tier and the number of*
 12 *individuals who are in compliance with this title*
 13 *within each tier.*

14 (3) *DOUBLE-COUNTING.*—*In reporting informa-*
 15 *tion collected under paragraph (1), the Attorney Gen-*
 16 *eral shall ensure, to the extent practicable, that of-*
 17 *fenders are not being double-counted.*

18 **SEC. 107. DEVELOPMENT AND AVAILABILITY OF REGISTRY**

19 **MANAGEMENT SOFTWARE.**

20 (a) *DEVELOPMENT OF SOFTWARE REQUIRED.*—*The*
 21 *Attorney General, in consultation with participating*
 22 *States, shall—*

23 (1) *develop a software application that can be*
 24 *used by participating States for purposes of this title;*
 25 *and*

1 (2) *ensure that such software operates in such a*
 2 *manner that a participating State can, by using the*
 3 *software, fully comply with all the requirements*
 4 *under this title for managing and exchanging infor-*
 5 *mation (including exchanging information with other*
 6 *States).*

7 (b) *AVAILABILITY TO STATES.—The Attorney General*
 8 *shall make the software developed under this section avail-*
 9 *able to States. The first complete edition of the software*
 10 *shall be made available within 2 years after the date of the*
 11 *enactment of this Act.*

12 (c) *SUPPORT.—The Attorney General shall ensure that*
 13 *States are provided technical support for the installation*
 14 *of the software and for maintaining the software.*

15 **SEC. 108. ELECTION BY INDIAN TRIBES.**

16 (a) *ELECTION.—*

17 (1) *IN GENERAL.—A federally recognized Indian*
 18 *tribe may, by resolution or other enactment of the*
 19 *tribal council or comparable governmental body—*

20 (A) *elect to carry out this title as a jurisdic-*
 21 *tion subject to its provisions; or*

22 (B) *elect to delegate its functions under this*
 23 *title to a participating State or participating*
 24 *States within which the territory of the tribe is*
 25 *located and to provide access to its territory and*

1 *such other cooperation and assistance as may be*
 2 *needed to enable such participating State or par-*
 3 *ticipating States to carry out and enforce the re-*
 4 *quirements of this title.*

5 (2) *ELECTION.*—*A tribe shall be treated as if it*
 6 *had made the election described in paragraph (1)(B)*
 7 *if—*

8 (A) *it is a tribe subject to the law enforce-*
 9 *ment jurisdiction of a participating State under*
 10 *section 1162 of title 18, United States Code;*

11 (B) *the tribe does not make an election*
 12 *under paragraph (1) within 1 year of the enact-*
 13 *ment of this Act or rescinds an election under*
 14 *paragraph (1)(A); or*

15 (C) *the Attorney General determines that*
 16 *the tribe has not implemented the requirements*
 17 *of this title and is not likely to become capable*
 18 *of doing so within a reasonable amount of time.*

19 (b) *COOPERATION BETWEEN PARTICIPATING STATE*
 20 *AND TRIBAL AUTHORITIES.*—

21 (1) *NONDUPLICATION.*—*A tribe subject to this*
 22 *title is not required for purposes of this title to dupli-*
 23 *cate functions under this title which are fully carried*
 24 *out by a participating State or participating States*
 25 *within which the territory of the tribe is located.*

1 (2) *COOPERATIVE AGREEMENTS.*—A tribe may,
 2 *through cooperative agreements with such a partici-*
 3 *parting State or participating States—*

4 (A) *arrange for the tribe to carry out any*
 5 *function of the participating State under this*
 6 *title with respect to sex offenders subject to the*
 7 *tribe’s jurisdiction; and*

8 (B) *arrange for the participating State to*
 9 *carry out any function of the tribe under this*
 10 *title with respect to sex offenders subject to the*
 11 *tribe’s jurisdiction.*

12 **SEC. 109. PROVISION OF NOTICE AND ACCESS TO INDIAN**
 13 **TRIBES.**

14 (a) *CONFORMING AMENDMENT TO TITLE 18, UNITED*
 15 *STATES CODE.*—Section 4042(c)(1)(A) of title 18, United
 16 States Code, is amended by striking “State” and inserting
 17 “State, Indian Country,”.

18 (b) *RESPONSIBILITY OF PARTICIPATING STATES.*—An
 19 appropriate participating State official, pursuant to this
 20 title and exercising jurisdiction pursuant to Public Law
 21 93–280, shall ensure that notice is provided to any Indian
 22 tribe of the release into the jurisdiction of the Indian tribe
 23 of a covered individual.

24 (c) *ACCESS TO NATIONAL SEX OFFENDER REG-*
 25 *ISTRY.*—From funds made available under section 107, the

1 *Attorney General shall use such amounts as the Attorney*
2 *General determines to be appropriate to make grants to In-*
3 *dian tribes for the development of electronic databases to*
4 *provide access to information in the National Sex Offender*
5 *Registry.*

6 **SEC. 110. APPLICABILITY TO MINORS.**

7 *Notwithstanding any other provision of this Act, the*
8 *requirements of this Act are not applicable with respect to*
9 *any individual who is only subject to such requirements be-*
10 *cause of a delinquent adjudication that occurred when the*
11 *individual was a minor, unless that individual was charged*
12 *and convicted as an adult.*

13 **SEC. 111. RULE OF CONSTRUCTION.**

14 *The provisions of this title that are cast as directions*
15 *to participating States or their officials constitute only con-*
16 *ditions that must be substantially met, in accordance with*
17 *section 107, in order to obtain Federal funding under this*
18 *title.*

19 **SEC. 112. IMMUNITY FOR GOOD FAITH CONDUCT.**

20 *The Federal Government, participating States and po-*
21 *litical subdivisions thereof, and their agencies, officers, em-*
22 *ployees, and agents shall be immune from liability for good*
23 *faith conduct under this Act.*

1 **SEC. 113. STATE UNCONSTITUTIONALITY.**

2 (a) *IN GENERAL.*—Nothing in this title shall be
3 deemed to require a participating State to take any action
4 that would violate that participating State’s constitution.

5 (b) *FUNDS.*—The Attorney General shall not withhold
6 funds to any participating State under section 107 if the
7 participating State declines to implement any provisions
8 of this title on the ground that to do so would place the
9 participating State in violation of its constitution or a rul-
10 ing by the participating State’s highest court.

11 (c) *DEFERENCE.*—In considering whether compliance
12 with the requirements of this title would likely violate the
13 participating State’s constitution or rulings by the partici-
14 pating State’s highest court under this section, the Attorney
15 General shall defer to the participating State’s interpreta-
16 tion of the participating State’s constitution and rulings
17 of the participating State’s highest court unless those inter-
18 pretations are clearly erroneous.

19 **SEC. 114. REGULATIONS.**

20 The Attorney General shall issue guidelines and regu-
21 lations to interpret and implement this title.

22 **SEC. 115. AUTHORIZATION OF APPROPRIATIONS.**

23 There is authorized to be appropriated for each of fis-
24 cal years 2006 through 2009 such sums as may be necessary
25 to carry out this title.

1 **SEC. 116. EFFECT ON CURRENT LAW.**

2 *This title does not diminish any existing conditions*
 3 *on participating and non-participating States under cur-*
 4 *rent law.*

5 **TITLE II—DRU SJODIN NA-**
 6 **TIONAL SEX OFFENDER PUB-**
 7 **LIC DATABASE ACT OF 2005**

8 **SEC. 201. SHORT TITLE AND DEFINITIONS.**

9 (a) *SHORT TITLE.*—*This title may be cited as the*
 10 *“Dru Sjodin National Sex Offender Public Database Act*
 11 *of 2005”.*

12 (b) *DEFINITIONS.*—*The definitions in section 102 shall*
 13 *apply in this title.*

14 **SEC. 202. NATIONAL SEX OFFENDER PUBLIC REGISTRY.**

15 (a) *IN GENERAL.*—*The Attorney General shall main-*
 16 *tain a national Internet site, to be known as the “National*
 17 *Sex Offender Public Registry,” through which the public*
 18 *can access information in the public sex offender Internet*
 19 *sites of all States by means of single-query searches.*

20 (b) *INFORMATION AVAILABLE IN PUBLIC REGISTRY.*—
 21 *With respect to Tier II and Tier III individuals and except*
 22 *as provided in subsection (e), the National Sex Offender*
 23 *Public Registry shall provide the following information:*

24 (1) *The name and any known aliases of the indi-*
 25 *vidual.*

26 (2) *The date of birth of the individual.*

1 (3) *A physical description of the individual.*

2 (4) *The current photograph of the individual.*

3 (5) *The domicile address of the individual.*

4 (6) *The address of the individual's place of em-*
5 *ployment.*

6 (7) *The address of any educational institution at*
7 *which the individual is a student.*

8 (8) *The nature and date of all offenses qualifying*
9 *the individual as a covered individual.*

10 (9) *The date on which the individual was re-*
11 *leased from prison, or placed on parole, supervised re-*
12 *lease, or probation, for the most recent offense quali-*
13 *fying the individual as a covered individual.*

14 (10) *Tier designation for the individual.*

15 (11) *Compliance status of the individual.*

16 (c) *SEARCH CAPABILITIES.—The National Sex Of-*
17 *fender Public Registry shall have multiple search capabili-*
18 *ties, including—*

19 (1) *searches by name; and*

20 (2) *searches by geographic area including*
21 *searches by zip code area and searches within a ra-*
22 *dius specified by the user.*

23 (d) *TIER I INDIVIDUALS.—The Attorney General shall*
24 *also provide, in accordance with this section, information*

1 *related to a Tier I individual only if such information is*
 2 *provided by a State on that State's Internet site.*

3 *(e) FAMILY MEMBER OFFENSE.—The Attorney Gen-*
 4 *eral shall provide, in accordance with this section, informa-*
 5 *tion related to a covered offense against a minor committed*
 6 *by a family member of the minor only if such information*
 7 *is provided by a State on that State's Internet site.*

8 **SEC. 203. RELEASE OF HIGH-RISK INMATES.**

9 *(a) IN GENERAL.—From amounts made available to*
 10 *carry out this section, the Attorney General may make*
 11 *grants to participating States for activities specified in sub-*
 12 *sections (b) and (c).*

13 *(b) CIVIL COMMITMENT PROCEEDINGS.—*

14 *(1) IN GENERAL.—Any participating State that*
 15 *provides for a civil commitment proceeding, or any*
 16 *equivalent proceeding, shall issue timely notice to a*
 17 *State official responsible for considering whether to*
 18 *pursue such proceedings upon the impending release*
 19 *of any person incarcerated by the participating State*
 20 *who—*

21 *(A) has been convicted of a sexually violent*
 22 *offense; or*

23 *(B) has been deemed by the participating*
 24 *State to be at high risk for recommitting any*
 25 *covered offense against a minor.*

1 (2) *REVIEW.*—Upon receiving notice under para-
 2 graph (1), the State official shall consider whether or
 3 not to pursue a civil commitment proceeding, or any
 4 equivalent proceeding required under State law.

5 (c) *MONITORING OF RELEASED PERSONS.*—Each par-
 6 ticipating State shall intensively monitor, for not less than
 7 1 year, any person who—

8 (1) has been deemed by the participating State
 9 to be at high risk for recommitting any covered of-
 10 fense against a minor;

11 (2) has been unconditionally released from incar-
 12 ceration by the participating State; and

13 (3) has not been civilly committed pursuant to
 14 a civil commitment proceeding, or any equivalent
 15 proceeding under State law.

16 (d) *AUTHORIZATION OF APPROPRIATIONS.*—There are
 17 authorized to be appropriated for each fiscal year such sums
 18 as may be necessary to carry out this section.

19 **TITLE III—JETSETA GAGE PRE-**
 20 **VENTION AND DETERRENCE**
 21 **OF CRIMES AGAINST CHIL-**
 22 **DREN ACT OF 2005**

23 **SEC. 301. SHORT TITLE.**

24 This title may be cited as the “Jetseta Gage Prevention
 25 and Deterrence of Crimes Against Children Act of 2005”.

1 **SEC. 302. ASSURED PUNISHMENT FOR VIOLENT CRIMES**
2 **AGAINST CHILDREN.**

3 *Section 3559(d) of title 18, United States Code, is*
4 *amended to read as follows:*

5 “(d) **MANDATORY MINIMUM TERMS OF IMPRISONMENT**
6 **FOR VIOLENT CRIMES AGAINST CHILDREN.**—A person who
7 *is convicted of a Federal crime of violence against the per-*
8 *son of an individual who has not attained the age of 12*
9 *years and has the intent to commit a serious sex crime as*
10 *defined in section 2241 of title 18 shall, unless a greater*
11 *mandatory minimum sentence of imprisonment is other-*
12 *wise provided by law and regardless of any maximum term*
13 *of imprisonment otherwise provided for the offense—*

14 “(1) *if the crime of violence results in the death*
15 *of a person who has not attained the age of 12 years,*
16 *be imprisoned for not less than 30 years to life;*

17 “(2) *if the crime of violence is a kidnapping or*
18 *maiming (or an attempt or conspiracy to commit*
19 *kidnapping or maiming) or results in serious bodily*
20 *injury (as defined in section 1365), be imprisoned for*
21 *not less than 20 years to life; and*

22 “(3) *if a dangerous weapon was used during and*
23 *in relation to the crime of violence, be imprisoned for*
24 *not less than 10 years to life.”.*

1 **SEC. 303. INCREASED PENALTIES FOR SEXUAL OFFENSES**
2 **AGAINST CHILDREN.**

3 (a) *SEXUAL ABUSE.*—

4 (1) *AGGRAVATED SEXUAL ABUSE OF CHIL-*
5 *DREN.*—Section 2241(c) of title 18, United States
6 Code, is amended by—

7 (A) designating the second sentence as para-
8 graph (4); and

9 (B) striking the first sentence and inserting
10 the following:

11 “(1) Whoever crosses a State line with intent to engage
12 in a sexual act with a person who has not attained the
13 age of 12 years, or in the special maritime and territorial
14 jurisdiction of the United States or in a Federal prison,
15 knowingly engages in a sexual act with another person who
16 has not attained the age of 12 years, or attempts to do so,
17 shall be fined under this title and imprisoned for not less
18 than 10 years to life, or both.

19 “(2) Whoever crosses a State line with intent to engage
20 in a sexual act under the circumstances described in sub-
21 sections (a) or (b) with a person who has not attained the
22 age of 12 years, or in the special maritime and territorial
23 jurisdiction of the United States or in a Federal prison,
24 knowingly engages in a sexual act under the circumstances
25 described in subsections (a) or (b) with another person who
26 has not attained the age of 12 years, or attempts to do so,

1 *shall be fined under this title and imprisoned not less than*
 2 *30 years to life, or both.*

3 “(3) *Whoever crosses a State line with intent to engage*
 4 *in a sexual act under the circumstances described in sub-*
 5 *sections (a) or (b) with a person who has not attained the*
 6 *age of 12 years, or in the special maritime and territorial*
 7 *jurisdiction of the United States or in a Federal prison,*
 8 *knowingly engages in a sexual act under the circumstances*
 9 *described in subsections (a) or (b) with another person who*
 10 *has attained the age of 12 but has not attained the age of*
 11 *16 years (and is at least 4 years younger than the person*
 12 *so engaging), or attempts to do so, shall be fined under this*
 13 *title, imprisoned for any term of years or life, or both.”.*

14 (2) *SEXUAL ABUSE OF CHILDREN RESULTING IN*
 15 *DEATH.—Section 2245 of title 18, United States*
 16 *Code, is amended—*

17 (A) *by striking “A person” and inserting*

18 “(a) *IN GENERAL.—A person*”; and

19 (B) *by adding at the end the following:*

20 “(b) *OFFENSES INVOLVING YOUNG CHILDREN.—A per-*
 21 *son who, in the course of an offense under this chapter, en-*
 22 *gages in conduct that includes a sex act with a person who*
 23 *has not attained the age of 12 years and that results in*
 24 *the death of that person, shall be punished by death or im-*
 25 *prisoned for not less than 30 years to life.”.*

1 (b) *SEXUAL EXPLOITATION AND OTHER ABUSE OF*
 2 *CHILDREN.*—

3 (1) *SEXUAL EXPLOITATION OF CHILDREN.*—Sec-
 4 *tion 2251(e) of title 18, United States Code, is*
 5 *amended by striking “any term of years or for life”*
 6 *and inserting “not less than 30 years to life.”*

7 (2) *USING MISLEADING DOMAIN NAMES TO DI-*
 8 *RECT CHILDREN TO HARMFUL MATERIAL ON THE*
 9 *INTERNET.*—Section 2252B(b) of title 18, United
 10 *States Code, is amended by striking “or imprisoned*
 11 *not more than 4 years” and inserting “or imprisoned*
 12 *not more than 10 years.”.*

13 ***TITLE IV—JESSICA LUNSFORD***
 14 ***AND SARAH LUNDE ACT***

15 ***SEC. 401. SHORT TITLE.***

16 *This title may be cited as the “Jessica Lunsford and*
 17 *Sarah Lundé Act”.*

18 ***SEC. 402. PILOT PROGRAM FOR MONITORING SEXUAL OF-***
 19 ***FENDERS.***

20 (a) *DEFINITION.*—*In this section, the term “sexual of-*
 21 *fender” means an offender 18 years of age or older who com-*
 22 *mits a sexual offense against a minor.*

23 (b) *SEXUAL PREDATOR MONITORING PROGRAM.*—

24 (1) *GRANTS AUTHORIZED.*—

1 (A) *IN GENERAL.*—*The Attorney General is*
 2 *authorized to award grants (referred to as “Jes-*
 3 *sica Lunsford and Sarah Lunde Grants”)* *to*
 4 *State and local governments to assist such States*
 5 *and local governments in—*

6 *(i) carrying out programs to outfit sex-*
 7 *ual offenders with electronic monitoring*
 8 *units; and*

9 *(ii) the employment of law enforcement*
 10 *officials necessary to carry out such pro-*
 11 *grams.*

12 (B) *DURATION.*—*The Attorney General*
 13 *shall award grants under this section for a pe-*
 14 *riod not to exceed 3 years.*

15 (2) *APPLICATION.*—

16 (A) *IN GENERAL.*—*Each State or local gov-*
 17 *ernment desiring a grant under this section shall*
 18 *submit an application to the Attorney General*
 19 *at such time, in such manner, and accompanied*
 20 *by such information as the Attorney General*
 21 *may reasonably require.*

22 (B) *CONTENTS.*—*Each application sub-*
 23 *mitted pursuant to subparagraph (A) shall—*

24 *(i) describe the activities for which as-*
 25 *sistance under this section is sought; and*

1 (ii) provide such additional assurances
2 as the Attorney General determines to be es-
3 sential to ensure compliance with the re-
4 quirements of this section.

5 (c) INNOVATION.—In making grants under this sec-
6 tion, the Attorney General shall ensure that different ap-
7 proaches to monitoring are funded to allow an assessment
8 of effectiveness.

9 (d) AUTHORIZATION OF APPROPRIATIONS.—

10 (1) IN GENERAL.—There are authorized to be ap-
11 propriated \$10,000,000 for each of the fiscal years
12 2006 through 2008 to carry out this section.

13 (2) REPORT.—Not later than April 1, 2008, the
14 Attorney General shall report to Congress—

15 (A) assessing the effectiveness and value of
16 this section;

17 (B) comparing the cost effectiveness of the
18 electronic monitoring to reduce sex offenses com-
19 pared to other alternatives; and

20 (C) making recommendations for con-
21 tinuing funding and the appropriate levels for
22 such funding.

**TITLE V—MISCELLANEOUS
PROVISIONS**

SEC. 501. ACCESS TO INTERSTATE IDENTIFICATION INDEX.

(a) *IN GENERAL.*—Notwithstanding any other provision of law, the Attorney General shall ensure access to the Interstate Identification Index (established under the National Crime Prevention and Privacy Compact (42 U.S.C. 14616)) by—

(1) *the National Center for Missing and Exploited Children, to be used only within the scope of the Center’s duties and responsibilities under Federal law to assist or support law enforcement agencies in administration of criminal justice functions; and*

(2) *governmental social service agencies with child protection responsibilities, to be used by such agencies only in investigating or responding to reports of child abuse, neglect, or exploitation.*

(b) *CONDITIONS OF ACCESS.*—The access provided under this section, and associated rules of dissemination, shall be—

(1) *defined by the Attorney General; and*

(2) *limited to personnel of the Center or such agencies that have met all requirements set by the Attorney General, including training, certification, and background screening.*

1 (c) *LIMITATION ON LIABILITY.*—

2 (1) *IN GENERAL.*—*Except as provided in para-*
3 *graphs (2) and (3), the National Center for Missing*
4 *and Exploited Children, including any of its direc-*
5 *tors, officers, employees, or agents, is not liable in any*
6 *civil action sounding in tort for damages related to*
7 *its access to the Interstate Identification Index.*

8 (2) *INTENTIONAL, RECKLESS, OR OTHER MIS-*
9 *CONDUCT.*—*Paragraph (1) does not apply in an ac-*
10 *tion in which a party proves that the National Center*
11 *for Missing and Exploited Children, or its officer, em-*
12 *ployee, or agent as the case may be, engaged in inten-*
13 *tional misconduct or acted, or failed to act, with ac-*
14 *tual malice, with reckless disregard of a substantial*
15 *risk of causing injury without legal justification, or*
16 *for a purpose unrelated to its performance of activi-*
17 *ties or responsibilities under Federal law.*

18 (3) *ORDINARY BUSINESS ACTIVITIES.*—*Para-*
19 *graph (1) does not apply to an act or omission re-*
20 *lated to an ordinary business activity, such as an ac-*
21 *tivity involving general administration or operations,*
22 *the use of motor vehicles, or personnel management.*

1 **SEC. 502. LIMITATION ON LIABILITY FOR NCMEC.**

2 *Section 227 of the Victims of Child Abuse Act of 1990*
 3 *(42 U.S.C. 13032) is amended by adding at the end the*
 4 *following:*

5 “(g) *LIMITATION ON LIABILITY.—*

6 “(1) *IN GENERAL.—Except as provided in sub-*
 7 *paragraphs (2) and (3), the National Center for Miss-*
 8 *ing and Exploited Children, including any of its di-*
 9 *rectors, officers, employees, or agents, shall not be lia-*
 10 *ble in any civil or criminal action for the perform-*
 11 *ance of its CyberTipline responsibilities and functions*
 12 *as defined by section 227 of the Victims of Child*
 13 *Abuse Act of 1990 (42 U.S.C. 13032) and section 404*
 14 *of the Missing Children’s Assistance Act (42 U.S.C.*
 15 *5773), or for its efforts to identify child victims.*

16 “(2) *EXCEPTION FOR INTENTIONAL, RECKLESS,*
 17 *OR OTHER MISCONDUCT.—The limitation on liability*
 18 *under subparagraph (1) shall not apply in any ac-*
 19 *tion in which a plaintiff or prosecutor proves that the*
 20 *National Center for Missing and Exploited Children*
 21 *or its officers, employees, or agents described in sub-*
 22 *paragraph (1), as the case may be, engaged in inten-*
 23 *tional misconduct or acted, or failed to act, with ac-*
 24 *tual malice, with reckless disregard to a substantial*
 25 *risk of causing injury without legal justification, or*
 26 *for a purpose unrelated to the performance of respon-*

sibilities or functions under section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) and section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773), or for its efforts to identify child victims.

“(3) *EXCEPTION FOR ORDINARY BUSINESS ACTIVITIES.*—The limitation on liability under paragraph (1) shall not apply to any alleged act or omission related to an ordinary business activity, such as an activity involving general administration or operations, the use of motor vehicles, or personnel management.”.

SEC. 503. MISSING CHILD REPORTING REQUIREMENTS.

(a) *IN GENERAL.*—Section 3702 of the Crime Control Act of 1990 (42 U.S.C. 5780) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

“(2) ensure that no law enforcement agency within the State establishes or maintains any policy that requires the removal of a missing person entry from its State law enforcement system or the National Crime Information Center computer database based solely on the age of the person;” and

8 *SEC. 504. TREATMENT AND MANAGEMENT OF SEX OFFEND-*
9 *ERS IN THE BUREAU OF PRISONS.*

12 “(f) *SEX OFFENDER MANAGEMENT.*—

“(A) *SEX OFFENDER MANAGEMENT PROGRAMS.*—*The Bureau of Prisons shall establish non-residential sex offender management programs to provide appropriate treatment, monitoring, and supervision of sex offenders and to provide aftercare during prerelease custody.*

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1 grams to provide treatment to sex offenders who
 2 volunteer for such programs and are deemed by
 3 the Bureau of Prisons to be in need of and suit-
 4 able for residential treatment.

5 “(2) *REGIONS.*—At least 1 sex offender manage-
 6 ment program under paragraph (1)(A), and at least
 7 1 residential sex offender treatment program under
 8 paragraph (1)(B), shall be established in each region
 9 within the Bureau of Prisons.

10 “(3) *AUTHORIZATION OF APPROPRIATIONS.*—
 11 There are authorized to be appropriated to the Bu-
 12 reau of Prisons for each fiscal year such sums as may
 13 be necessary to carry out this subsection.”.

14 **SEC. 505. AUTHORIZATION FOR AMERICAN PROSECUTORS**
 15 **RESEARCH INSTITUTE.**

16 In addition to any other amounts authorized by law,
 17 there are authorized to be appropriated for grants to the
 18 American Prosecutors Research Institute under section
 19 214A of the Victims of Child Abuse Act of 1990 (42 U.S.C.
 20 13003) \$7,500,000 for each of fiscal years 2006 through
 21 2010.

22 **SEC. 506. SEX OFFENDER APPREHENSION GRANTS.**

23 Title I of the Omnibus Crime Control and Safe Streets
 24 Act of 1968 is amended by adding at the end the following:

1 **“PART II—SEX OFFENDER APPREHENSION**

2 **GRANTS**

3 **“SEC. 2992. AUTHORITY TO MAKE SEX OFFENDER APPRE-**
 4 **HENSION GRANTS.**

5 “(a) *IN GENERAL.*—From amounts made available to
 6 carry out this part, the Attorney General may make grants
 7 to States, units of local government, Indian tribes, other
 8 public and private entities, and multi-jurisdictional or re-
 9 gional consortia thereof for activities specified in subsection
 10 (b).

11 “(b) *COVERED ACTIVITIES.*—An activity referred to in
 12 subsection (a) is any program, project, or other activity to
 13 assist a State in enforcing sex offender registration require-
 14 ments.”.

15 **SEC. 507. ACCESS TO FEDERAL CRIME INFORMATION DATA-**
 16 **BASES BY EDUCATIONAL AGENCIES FOR CER-**
 17 **TAIN PURPOSES.**

18 “(a) *IN GENERAL.*—The Attorney General shall, upon
 19 request of the chief executive of a State, conduct fingerprint-
 20 based checks of the national crime information databases
 21 (as defined in section 534(e)(3)(A) of title 28, United States
 22 Code), pursuant to a request submitted by a local edu-
 23 cational agency or a State educational agency in that State,
 24 on individuals under consideration for employment by the
 25 agency in a position in which the individual would work
 26 with or around children. Where possible, the check shall in-

1 *clude a fingerprint-based check of State criminal history*
 2 *databases. The Attorney General and the States may charge*
 3 *any applicable fees for these checks.*

4 (b) *PROTECTION OF INFORMATION.—An individual*
 5 *having information derived as a result of a check under*
 6 *subsection (a) may release that information only to an ap-*
 7 *propriate officer of a local educational agency or State edu-*
 8 *cational agency, or to another person authorized by law to*
 9 *receive that information.*

10 (c) *CRIMINAL PENALTIES.—An individual who know-*
 11 *ingly exceeds the authority of subsection (a), or knowingly*
 12 *releases information in violation of subsection (b), shall be*
 13 *imprisoned not more than 10 years or fined under title 18,*
 14 *United States Code, or both.*

15 (d) *DEFINITION.—In this section, the terms “local edu-*
 16 *cational agency” and “State educational agency” have the*
 17 *meanings given to those terms in section 9101 of the Ele-*
 18 *mentary and Secondary Education Act of 1965 (20 U.S.C.*
 19 *7801).*

20 **SEC. 508. GRANTS TO COMBAT SEXUAL ABUSE OF CHIL-**
 21 **DREN.**

22 (a) *IN GENERAL.—The Bureau of Justice Assistance*
 23 *is authorized to make grants under this section to—*

24 (1) *each law enforcement agency that serves a ju-*
 25 *risdiction with 50,000 or more residents; and*

1 (2) *each law enforcement agency that serves a ju-*
 2 *risdiction with fewer than 50,000 residents, upon a*
 3 *showing of need.*

4 (b) *USE OF GRANT AMOUNTS.—Grants under this sec-*
 5 *tion may be used by the law enforcement agency to—*

6 (1) *hire additional law enforcement personnel, or*
 7 *train existing staff, to combat the sexual abuse of chil-*
 8 *dren through community education and outreach, in-*
 9 *vestigation of complaints, enforcement of laws relat-*
 10 *ing to sex offender registries, and management of re-*
 11 *leased sex offenders;*

12 (2) *investigate the use of the Internet to facilitate*
 13 *the sexual abuse of children; and*

14 (3) *purchase computer hardware and software*
 15 *necessary to investigate sexual abuse of children over*
 16 *the Internet, access local, State, and Federal data-*
 17 *bases needed to apprehend sex offenders, and facilitate*
 18 *the creation and enforcement of sex offender registries.*

19 (c) *AUTHORIZATION OF APPROPRIATIONS.—There are*
 20 *authorized to be appropriated such sums as may be nec-*
 21 *essary for fiscal years 2006 through 2008 to carry out this*
 22 *section.*

23 **SEC. 509. SEVERABILITY.**

24 *If any provisions of this Act, any amendment made*
 25 *by this Act, or the application of such provisions or amend-*

1 *ment to any person or circumstance is held to be unconsti-*
 2 *tutional, the remainder of the provisions of this Act, the*
 3 *amendments made by this Act, and the application of such*
 4 *provisions or amendments to any person or circumstance*
 5 *shall not be affected.*

6 **SEC. 510. FAILURE TO PROVIDE INFORMATION A DEPORT-**
 7 **ABLE OFFENSE.**

8 *Section 237(a)(2)(A) of the Immigration and Nation-*
 9 *ality Act (8 U.S.C. 1227(a)(2)(A)) is amended—*

10 *(1) by redesignating clause (v) as clause (vi);*

11 *and*

12 *(2) by inserting after clause (iv) the following*
 13 *new clause:*

14 *“(v) FAILURE TO PROVIDE REGISTRA-*
 15 *TION INFORMATION AS A SEX OFFENDER.—*

16 *Any alien who is convicted under subsection*
 17 *(d) of section 103 of the Sex Offender Reg-*
 18 *istration and Notification Act of a violation*
 19 *of subsection (a) or (b) of such section is de-*
 20 *portable.”.*

21 **SEC. 511. REPEAL.**

22 *Sections 170101 and 170102 of the Violent Crime Con-*
 23 *trol and Law Enforcement Act of 1994 (42 U.S.C. 14071,*
 24 *14072) are repealed.*

1 **SEC. 512. CONFORMING AMENDMENTS TO TITLE 18, UNITED**
2 **STATES CODE.**

3 *Title 18 of the United States Code is amended—*

4 *(1) in sections 3563(a)(8) and 3583(d) by strik-*
5 *ing “and that the person register in any State where*
6 *the person resides, is employed, carries on a vocation,*
7 *or is a student (as such terms are defined under sec-*
8 *tion 170101(a)(3) of the Violent Crime Control and*
9 *Law Enforcement Act of 1994)” and inserting “and*
10 *that the person comply with the Sex Offender Reg-*
11 *istration and Notification Act”;*

12 *(2) in section 4042(c)(3) by striking “shall be*
13 *subject” and all that follows through “1994)” and in-*
14 *serting “must comply with the Sex Offender Registra-*
15 *tion and Notification Act”; and*

16 *(3) in section 4209(a) by striking “register in*
17 *any State” and all that follows through “1994)” and*
18 *inserting “comply with the Sex Offender Registration*
19 *and Notification Act.”.*

1 **TITLE VI—COMPREHENSIVE EX-**
 2 **AMINATION OF SEX OF-**
 3 **FENDER ISSUES**

4 **SEC. 601. COMPREHENSIVE EXAMINATION OF SEX OF-**
 5 **FENDER ISSUES.**

6 (a) *DEFINITION.*—In this section, the term “sexual of-
 7 fender” means an offender 18 years of age or older who com-
 8 mits a sexual offense against a minor.

9 (b) *IN GENERAL.*—The National Institute of Justice
 10 shall conduct a comprehensive study to examine the control,
 11 prosecution, treatment, and monitoring of sex offenders,
 12 with a particular focus on—

13 (1) the effectiveness of State, tribal, and local re-
 14 sponses to the requirements of this Act, including the
 15 effectiveness of particular jurisdictions as compared to
 16 others;

17 (2) compliance by sex offenders with the registra-
 18 tion requirements of this Act;

19 (3) how this Act has affected the number of re-
 20 ported sex crimes against children;

21 (4) how this Act has affected the number of pros-
 22 ecutions and convictions of sex crimes against chil-
 23 dren;

24 (5) the utility of the National Sex Offender Pub-
 25 lic Registry to the public;

1 (6) *the costs to States, tribes, and local entities*
 2 *of compliance with this Act and the relative costs and*
 3 *benefits of approaches undertaken by different juris-*
 4 *dictions;*

5 (7) *the effectiveness of treatment programs in re-*
 6 *ducing recidivism among sex offenders;*

7 (8) *the potential benefits to Federal, State, and*
 8 *local law enforcement agencies of access to taxpayer*
 9 *information pertaining to sexual offenders and the*
 10 *privacy implications to those individuals and others;*
 11 *and*

12 (9) *the potential benefits to Federal, State, and*
 13 *local law enforcement agencies of access to Social Se-*
 14 *curity information pertaining to sexual offenders and*
 15 *the privacy implications to those individuals and oth-*
 16 *ers.*

17 (c) *RECOMMENDATIONS.*—*The study described in sub-*
 18 *section (b) shall include recommendations for reducing the*
 19 *number of sex crimes against children and increasing the*
 20 *rates of compliance with registration requirements.*

21 (d) *REPORTS.*—

22 (1) *IN GENERAL.*—*Not later than 5 years after*
 23 *the date of enactment of this Act, the National Insti-*
 24 *tute of Justice shall report the results of the study*
 25 *conducted under subsection (b) together with findings*

1 *to Congress, through the Internet to the public, to each*
2 *of the 50 governors, to the Mayor of the District of*
3 *Columbia, to territory heads, and to the top official*
4 *of the various Indian Tribes.*

5 (2) *INTERIM REPORTS.—The National Institute*
6 *of Justice shall submit yearly interim reports.*

7 (e) *APPROPRIATIONS.—There are authorized to be ap-*
8 *propriated \$3,000,000 to carry out this section.*

Calendar No. 251

109TH CONGRESS
1ST Session

S. 1086

A BILL

To improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

OCTOBER 20, 2005

Reported with an amendment